REFLECTING THROUGH CONFLICT: ACTION RESEARCH ON THE UTILITY OF REFLECTIVE PRACTICE GROUPS FOR MEDIATOR LEARNING

by

Rochelle Arms Almengor
A Dissertation
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of
Doctor of Philosophy
Conflict Analysis and Resolution

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Dedication

I dedicate this work to my husband and best reflection partner, Daniel Nerenberg, whose fierce commitment to loving through the growing pains, has been my greatest gift.

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This work is a product of passion, tedium, community and solitude: thrilling at times, and exhausting at others. I'm thankful for the countless acts and voices of support I received over the five years leading to its completion, and long before I undertook it.

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Debrief, and I thank both of them for the time they took in orienting me to it and including me in other groups that used it.

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Long before conflict resolution was an idea in my mind, family supported my sense of agency, encouraging me on my chosen paths. First and precious thanks go to my mother who made significant sacrifices to give my brother and me a stable home to which we could always return and feel safe. Her unquestioning belief in my capacity no doubt gave me invisible wings to explore many worlds, and her laughter reminded me to let go a little when I took those worlds upon my shoulders.

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Abstract

REFLECTING THROUGH CONFLICT: ACTION RESEARCH ON THE UTILITY OF REFLECTIVE PRACTICE GROUPS FOR MEDIATOR LEARNING

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Dissertation Director: Dr. Susan Allen

This project was sparked by the call for more empirical research about what motivates conflict resolution practitioners' choices in practice, focusing most specifically on the practice of mediation (Wall and Dunne, 2012). It also stems from my own observations as a mediation practitioner and trainer for more than 20 years, during which I witnessed and experienced struggles of translating the ideals of mediation into the hard realities of a mediation room. Because conflict is an unpredictable experience, mediators find themselves regularly improvising when intervening to support parties, sometimes even acting counter to the lessons they were taught in training. This project's goal was to examine the utility of reflective practice groups (RPGs) as avenues by which mediators learn *how* to learn from their improvisations in the face of uncertainty.

In the interest of generating outcomes that could be practical and transformative for participants, I used an interpretivist action research approach to work with two groups of mediators (some who also practiced other conflict resolution modalities) that met in six

monthly reflective practice sessions. A third and smaller group also participated, but only met twice. Through *critical moments,* or moments of puzzlement, we experimented with reflective practice methods in order to investigate our choices in practice, the assumptions that informed those choices, and the validity of the sources underlying our assumptions.

A number of learnings resulted from our collaboration about the mechanics of reflective practice groups and the ways they support or may inhibit mediator learning. Specifically, I highlight RPGs' utility as communities of practice that: normalize a diversity of perspectives, align practitioners' actions and values, clarify language and choices in practice, supply reflection tools and structures of discipline, and induce appreciation for doubt and vulnerability as necessary vehicles for learning. Simultaneously, RPGs can run the risk of inhibiting learning through: the fear of peer scrutiny, overlooking "invisible" conversations (when key perspectives are absent), requiring more time than practitioners are inclined to take, and by misalignment to some group members' ways of knowing or speaking. Participants' ways of knowing, or personal epistemologies, became a central frame of analysis, especially as related to their capacity for "self-learning," or self-reliance in learning, a necessary component for a field that has limited supervision and quality assurance mechanisms. Literatures on learning, epistemological development and reflective practice supported my analysis.

This project is ongoing and, like all action research projects, its findings are provisional as part of an emergent collaborative inquiry process. At the close of this writing, I present future avenues of research that would complement or extend this research agenda.

Chapter 1 – Introduction

I started my learning journey in this project with a concern about the misalignment between what mediators say they do and what they actually do in practice. Having both personally experienced this disconnect in my practice, and observed it in my colleagues' mediations, I guessed that our misalignments were more than idiosyncrasies, and represented *regular* ways of coping with *irregular* situations. In this introductory chapter, I will trace the evolution of this preoccupation into what the project ultimately became, a collaborative investigation about the utility and application of reflective practice groups to support mediator "self-learning," or self-reliance in learning.

Since the outset of my research, two phenomena became clear to me. Firstly, conflict conversations are messy (what reflective practice theorists call "ill-structured problems") and therefore always require adaptability and improvisation on the part of the conflict intervener. Going "off script" is the norm, not the exception. Secondly, mediators' awareness of *why* they go "off script" is variable. Some practitioners are extremely conscious of why they do what they do, others operate on non-verbal intuition for reasons that remain subconscious unless deliberately sought out.

Understanding these two realities, my interest eventually shifted away from trying to identify why mediators improvised (given that it is a seeming non-negotiable in our work), and toward understanding a mechanism by which they can improvise well:

consciously and intelligently. My focus became reflective practice as a means to support mediator self-awareness and accountability in practice: How does reflective practice apply to mediators? What are the benefits and challenges of reflective practice? What does reflective practice look like when practiced collectively with groups of mediator colleagues?

Additionally, in this chapter, I will provide background information about action research, my chosen research approach, since it is an unusual choice in the academy, yet the only approach that allowed me to work in good conscience. As a conflict resolution practitioner myself, the distinctions between "researcher" and "practitioner" were not fully relevant or clear. Action research supports co-generation of knowledge by practitioners and scholars, and projects are often initiated and undertaken by practitioners themselves. Even if not acting in an official academic role, a practitioner becomes a researcher when undertaking action research. In my case, I was a practitioner turned academic, and I flowed between both roles during my reflective practice group participation. It was therefore ethically important for me to be transparent about my interests as both a mediator and a doctoral candidate.

Brief Project Overview

Through this project, I convened three groups of mediators to support each other in understanding the use of reflective practice as a way of learning from our practice experiences. We focused particularly on *critical moments,* or moments within one's practice that created tension, unsettledness, or doubt, and for which there was no clear answer as to what to do. The groups were diverse in terms of age, backgrounds and experience; I

will describe them more in detail in Chapter 5. Two of the groups met once a month for six months, two hours at a time. The third and smallest group met twice. I also conducted interviews with all participants toward the beginning and toward the end of the fieldwork period. On occasion as needed, I also met with practitioners to debrief a case one-on-one. However, the bulk of the work in this project occurred through our group meetings.

During these meetings, we debriefed participants' cases through a process called the Reflective Debrief, and together we tried to make sense of the types of critical moments that colleagues encountered, while simultaneously examining reflective practice as a means of learning. Though groups are technically ongoing, at the end of my "data collection phase," we had meta-level conversations about our experiences in the groups and the major takeaways up to that point.

Findings, or "Learnings," as I call them (Part II), are composed of our joint analyses in the groups, not just mine. This collaborative research approach was guided through my commitment to action research, which I introduce later in this chapter.

To avoid confusion, it is worth mentioning now that though I am a mediator myself, I often refer to mediators in third person. This is partly for clarity in writing, but also because I was not in active practice during my fieldwork with the groups, so my outward roles were more often of group facilitator and researcher. It should be understood, however, that learnings about mediators also applied to me in thinking about my past or future practice choices.

Motivation for this Project

Like the start of many research projects, this one is spurred along by personal experience. My first exposure to mediation was in 1997 through a basic mediation training in my small liberal arts undergraduate college. Our trainers, Joe Folger and Tricia Jones, are now well-regarded thought leaders and innovators in the mediation world, though what we learned in that basic training was the standard facilitative mediation approach based on interests-based negotiation skills, still common today. I recall my first mediation after the training as a disorienting experience, where – overcome by fear of failure and parties' tensions - I alternated haphazardly between scripted interventions and my own hunches about what to say and do. Though I participated in a number of trainings since that first experience, it was only years later when I mediated daily and supervised other mediators in a large community mediation center that I finally felt like I "knew" how to mediate. Repeated reflection on steps and missteps, and hundreds of conversations with other mediators were what ultimately grounded me in the practice. I was also lucky to have a mentor in *transformative mediation,* a form of mediation focused on party self-determination above all else[1]. This mentor supported me in a mutual learning relationship where I was challenged to ask deeper questions about the "Why?" behind my mediation behaviors, and to take stock of my role as a mediator. These conversations taught me how to think and act independently in my practice, rather than blindly following the rules I was given. Creative and reflective thinking led me to make significant beneficial changes in the criminal court mediation program I ran, and

[1] Incidentally, transformative is the type of mediation pioneered by Folger, one of my original trainers, though it was not what we learned then.

ultimately propelled me to return to graduate school to deepen my education about best practices in conflict interventions.

In addition to my own learning experience, the thrust for this research comes from working with many new and experienced mediators who repeatedly struggled to put their lessons into practice in the face of unexpected scenarios, particularly unspoken challenges of cultural, socio-economic, and generational differences between mediators and clients. In urban community mediation centers like the one I worked in, most mediators identify as white, middle to upper class, while most clients are low-income people of color. In fact, a nationwide survey by the firm, Advancing Dispute Resolution, demonstrated that community mediators on the whole are "notably older, less professionally and racially diverse," and have "more formal education and affluence than the broader population" (Advancing Dispute Resolution, 2013)[2]. While the basic mediation training at our center imparted a very brief cultural diversity session, the dominant theme was a one-size-fits-all model that assumed universalities amongst people in conflict. Apprenticeships that followed the basic training also varied in their degree of encouragement in broaching the difficult unspoken discomforts that necessarily come up for community mediators: performance anxiety, negative judgment of parties' opinions or ways of communicating, emotional flooding or secondary trauma, and cultural unfamiliarity, to name some. Further, since the center was also responsible for scoring and certifying mediators, staff were caught between our responsibilities to both support

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[2] The gaps are particularly salient with latinos or hispanics, who compose 16% of the national population, but only 3% of the volunteer mediator pool. Adult community mediators surveyed have also completed significantly more higher education than the national population, 72% having graduate degrees, versus 11% in the general adult population (see http://www.advancingdr.org/volunteers#TOC-VOLUNTEER-DEMOGRAPHICS).

and evaluate mediators, creating an inadvertent culture of judgment about "good" and "poor" practice.

Because the center did not model or teach how to have critically reflective conversations, and because mediation is normally a short-term, low-investment intervention, it seemed that mediators most often examined the superficial aspects of their cases during debriefs. Many placed most of their analytical attention on the details of the conflict drama that had just unfolded. Interventions were often discussed in cursory fashion: "This is what I did, then this is what the party did, so I then did this," and so forth. Though the debriefing practices have become more structured since my time there, it was rare then to hear mediators volunteer their insecurities, discomforts, doubts, or "faux pas" (vis à vis their training) about what happened behind closed doors in the mediation room. As I will explain later in this document, remaining on this level of analysis (the "single loop" level) stymied possibilities for learning and self-awareness about factors that may have significantly been affecting mediators and the intervention choices they made. Further, as I will also explain how moments of doubt and insecurity are essential to accessing meaningful learning in practice.

Reflective Practice in Response to Mediator Challenges

This research project is a response to the challenges I mentioned above, and to my interest in supporting active cultures of learning within mediator communities of practice. Early in my time at The School for Conflict Analysis and Resolution (S-CAR) at George Mason University, I learned about reflective practice as an approach to do just this. Within the reflective practice literature, starting with the work of Donald Schön and

Chris Argyris (1992), I found ready application to the real life difficulties I perceived in the field. Schön and Argyris' formulation of "incongruence," or the gaps between the theories we claim (*espoused theories*) and the theories that actually inform our actions (*theories-in-use*), strongly resonated with my applied experience as a mediator. My learning journey in this project has taken me beyond their formulations of reflective practice to consider reflexivity and epistemic cognition as well. Rather than reflecting on practice simply at the levels of our actions within the immediate context of a mediation, I understand the potential for mediators to consider both wider and deeper levels of reflection: wider in the sense of questioning our frames of reference with respect to cultural and societal influences (reflexivity), and deeper in the sense of questioning how we know what we know (epistemic cognition). Though time in our groups was not sufficient to normalize these deeper and wider levels of reflection, our experiences thus far indicate that reinforcing habits of critical reflection within reflective practice groups (RPGs) with high levels of trust should generate more openings in this direction.

Investigation about reflective practice and learning also led me to an exciting awakening about the centrality of personal epistemologies in mediator learning. Looking back, I recognize that much of my critique of practitioner norms in the mediation field related to the general tendency of mediators to learn and practice through what Belenky and colleagues call "received knowing" and "subjective knowing" (Belenky, Clinchy, Goldberger, & Tarule, 1997). Received knowing is characterized by accepting knowledge from a perceived authority without question, and subjective knowing is characterized by accepting all knowledge as equally valid, regardless of source or context. Both ways lack a

procedural element (i.e., "That's what you're supposed to do," or "I just felt it was the right thing to do"). Even if these were not their ways of knowing in other parts of life, in mediation settings, mediators often defaulted to these. Organizational mediation cultures – conferences, agencies, or trainings – on the whole do not foster cultures of reflective judgment, as I will describe later, leaving mediators very often to their own devices in navigating the unpredictable terrain of conflict.

Expanding on Challenges in Practice

In the concluding chapter of *When Talk Works, Profiles of Mediators* (1994), Deborah Kolb and Kenneth Kressel discuss the disconnect between what one is taught to do in training and what one ultimately is compelled to do in the face of very tough conflict conversations, for which no handbook is fully adequate. Synthesizing their observation of the dozen or so mediators profiled in the book, they conclude:

> What we see in these profiles is a snapshot of a field caught in a mythology about mediation that is frequently at odds with the reality of the work. The mediators appear to be trying to clarify for themselves how to accommodate the mythology to the practical constraints and challenges posed by the kinds of disputes in which they become engaged.
>
> Myths of mediation are not located in any single work, but we can reconstruct the major contours from the professional literature, especially worlds devoted to the training of novices. The mythic world of mediation is one in which one practitioner of the art is pretty much like another in regard to motives and orientation to the role. In the mythic world, mediators are impartial neutrals who

> have no authority and no wish to impose their views on the disputing parties. Also the process is entirely voluntary and non-coercive. Additionally, the role of mediator is demanding, but ultimately uplifting and invigorating to all who can meet its stringent ethical, moral and psychological requirements.
>
> We are not the first to observe that the mythic world is not supported in practice… (Deborah Kolb & Associates, 1994, pp. 459–460)

Though *When Talk Works* was published over twenty years ago, studies since then confirm that there is a continuing disconnect between what mediators think they do or are meant to do, and what they actually do in the mediation room (Charkoudian, 2012).

As mentioned before, Argyris and Schön's work directly addresses this frequent misalignment between what mediators say they do and what they actually do, through notions of *espoused theories* and *theories-in-use*. Mediators tend to describe their espoused theories in terms of their "style", and basic mediation skills trainings generally teach, whether explicitly or not, through the lens of a particular style. The mediation literature, though identifying as many as 25 different types, does not provide a uniform definition of "style," but the word generally refers to a set of goals and accompanying strategies to which mediators subscribe (Wall and Dunne, 2012, p. 227). Challenges with using "styles" as markers for espoused theories helps make a case for the use of reflective practice and action research. If we accept the human tendency toward inconsistency between theory and practice, then we need to first understand what we mediators see as the theories and behaviors that correspond to the style in which we have been trained, or simply that correspond to the goals we have established for ourselves, whether or not

those fit neatly within a style. Then, we need to understand how we employ those goals in practice, based on our own interpretations, rather than on what an outside observer defines as a style's theories and behaviors. A method of study that attempts to see things as mediators see things rather than as an outside researcher thinks they are seeing supports this types of self-learning. Action research and reflective practice are methods that give primacy to the "subjects" as researchers, and understand practitioner knowing to be as important as professional researcher knowing.

Disconnection between Theories and Practice

What might we surmise about when and why mediators are not practicing the mythical ideals of mediation they have been taught? Based on my own experiences working with hundreds of community mediators, and based on my observations about critical moments in this project, here are some educated guesses:

1) What mediators are taught is inaccurate or insufficient in addressing the complexity of real world cases before them, so they are forced to change or innovate their approaches.
2) Mediators doubt or mistrust their training, and choose to do something different when they come upon a situation that is unfamiliar or daunting.
3) Whether the fault of poor training or poor learning, mediators are not well grounded in the practice, and therefore not able to execute it well or reflectively.
4) Mediators interpret their training in different ways, not necessarily for the worse.

5) Mediators deliberately experiment over time in order to knowingly innovate new best practices.
6) Mediators lack support or models of how to critically question the practices they are taught, whether because of institutional norming or their own cultural biases, and retain blind spots in areas that remain uninterrogated (e.g., racial reflexivity)

Though it was not the explicit focus of this project to determine why individuals "overrode" their training in practice, debriefs in our reflective practice groups brought to light the moments that triggered those decisions, and teased out colleagues' reasons for doing so. Chapters 6 – 10 present multiple examples of group members supporting one another in understanding the motivations behind their decisions in practice.

Action Research

Since it is a less known approach to research, I want to provide some background on action research for the reader, and also to describe the justifications for its use in practitioner research. Chapter 4 will get into the epistemological foundations for my particular approach to in this project: interpretivist and pragmatist. In Chapter 11, I will share my own learnings about conducting an action research project with mediators as a resource to future action research scholars, especially working in the field of conflict resolution.

Background on Action Research

Social psychologist Kurt Lewin is the person most commonly credited for coining the term "Action Research." He first wrote about it several decades ago in his 1946

article, “Action Research and Minority Problems,” emphasizing the need for researchers to collaborate with practitioners to solve social problems in actionable ways. In his pivotal article, he proposes a spiral process “composed of a circle of planning, action and fact-finding about the result of the action” as the central means to carry out action research. Lewin and other proponents of action research in the early 20th century were spurred partly by growing concerns during World War II about threats to democracy, egalitarianism and tolerance for differences. Because action research is predicated on the participation of traditional “subjects” of research as equal actors in the co-inquiry process, it was an attractive approach for those seeking to minimize the exclusive and hierarchical knowledge systems of academia.

Though it has waxed and waned over the years since its inception, action research found its foothold early on in the field of Education. The rise of “teacher research” in the 1970s brought about an important renaissance for this non-traditional mode of research, and it has since been adopted in a plethora of other settings, taking on different names such as: Participatory Action Research, Youth Participatory Action Research, Cooperative Inquiry, Practitioner Research, and Action Science. This last name is used more often in describing the research approach of Donald Schön and Chris Argyris in correlation with organizational learning and reflective practice (Herr & Anderson, 2015), and understandably there is a great deal of overlap between action science and reflective practice as I have defined it in this project.

The various names of action research point to the wide spectrum of research practice within it, from a more social justice orientation to one of organizational learning

and improvement. Despite the differences in orientation, it is possible to identify the vital characteristics of any action research project:

- Inquiry that is done *by* or *with* insiders to an organization or community, but never *to* or *on* them
- Systematically reflective process, requiring evidence to support assertions. What constitutes "evidence," however, is up for debate
- Oriented toward changing a problematic situation within a cycle of actions
- Demanding intervention (beyond do-no-harm)
- Collaborative at its core
- Moves beyond the status quo – it attempts to reconstruct theories of action

(Herr & Anderson, 2015a)

This last point of critical inquiry is very important, in that action research aims to improve on problematic norms, rather than replicating old assumptions. In this way, it follows the line of reflective practice double-loop learning articulated by Donald Schön and Chris Argyris, encouraging a deeper and more critical reflection about the causal chain in one's actions. This was my aim in convening reflective practice learning communities with fellow mediators to learn how to foster critical self-reflection in practice.

Why Action Research?

In order to compete with other forms of knowledge, action researchers must be very clear about what makes their own choice to pursue this unorthodox approach a worthy one. Herr and Anderson, in *The Action Research Dissertation* (2015), elaborate on the

goals of action research, and I offer these here in support of my decision to undertake action research with fellow mediators. The left column in Table 1 is the general goal, and the right column specifies the goal within the context of this project.

Table 1.1 – Goals of Action Research

General Goals of Action Research (Herr & Anderson, 2015, p. 67)		**Specific Goals of this Project**
1	The generation of new knowledge	Generating new knowledge about the application of reflective practice as it pertains to mediator learning processes
2	The achievement of action-oriented outcomes	The creation of ongoing reflective practice groups and organizational efforts to support conditions of reflective practice
3	The education of both researcher and participants	Participants of reflective practice groups will be in co-inquiry by testing one reflective practice approach, the Reflective Debrief, and discussing its impacts
4	Results that are relevant to the local setting	Debriefs and group conversations will be relevant to each of individual's needs and to our common local context, our city's mediation community.

5	A sound and appropriate research methodology	Reflective practice is inherently a means of conducting research and will be both the methodology and the subject of study in this project

Though action research can be undertaken from a wide range of positionalities (i.e., insider, outsider, insider and outsider, etc.), its emphasis on practitioners as researchers made it well suited as a research frame for this project, because I was an "insider" practitioner working in collaboration with other insiders to better understand our own practice. While objectivity in research is a concept under debate[3], there are clearly challenges to objectivity when one is studying one's own milieu: the risk of blind spots and groupthink are great. For this reason, research in collaboration not just with other mediators, but also with "critical friends" (Herr & Anderson, 2015a, p. 98) is essential. More importantly, claims to objectivity, as Michelle Fine notes, have long been in the service of elite interests (Fine, 2008, p. 222). Granting the power of the researcher to those who have traditionally not had it ensures that the knowledge generated will represent the needs and experiences of those who stand to gain the most from it. In the case of my study, it mattered that practitioners both informed theory-making about learning, and also directly benefited from the products of those theories.

[3] See Michelle Fine's excellent exposition about this in the concluding chapter of her book on youth participatory action research, *Revolutionizing Education* (2008). In it, she quotes philosopher Sandra Harding: "Strong objectivity requires that we investigate the relation between subject and object rather than deny the existence of, or seek unilateral control over, this relation" (p. 222).

While action research provides many benefits for practitioner-researchers, its democratic and participatory nature poses the limitation that Brookfield describes as "using our own interpretive filters to become aware of our own interpretive filters" (Brookfield, 1998, p. 197). The extent to which mediators will be able to challenge their own assumptions depends on their capacity pick up new filters through which to see. As mentioned in the background section about Critical Reflective Practice, critical friends and a "beginner's mind" help catalyse this kind of unorthodox thinking, even when it's not modeled by the organizational culture. As a reflective facilitator within action research groups, I undertook to transparently introduce this challenge for groups to meta-reflect upon (reflect on how to reflect).

Navigating Action Research in the Academy

As with many action research projects, this one did not unfold in a linear way, and did not coincide with the process expected by most academic programs. Herr and Anderson (2015) remind readers that the proposal stage of a dissertation is necessarily a "tentative document" with the expectation that much will change from beginning to end of the project (Herr & Anderson, 2015b, p. 87). At S-CAR, I was fortunate to have significant support from my advisor and from the active Action Research Workgroup we co-founded. A pre-dissertation grant from S-CAR also allowed me to pilot interviews with mediators to identify the challenges of working in situations of uncertainty. It also facilitated my auditing a semester course on Participatory Action Research with Dr. Gary Anderson (of Herr and Anderson). These preliminary steps were very important in

supporting the eventual design of my project, but my research at this point was nascent as I was only beginning to learn about action research and consider a proposal.

While I enjoyed some support from my school, I still needed to comply with the regular process for developing a dissertation as established by most academic programs. This meant that I needed to identify a problem through my written proposal; establish the relevant literatures and theories, forms and procedures; and gain International Review Board approval *prior* to selecting and interacting with my eventual co-researchers, the RPG participants. As a democratic project, however, these aspects of the research would have also been carried out with RPG members.

The practical implications of doing thorough co-construction with research participants are difficult to balance within an academic program. More resources are needed: time to conduct more sessions, spaces in which to meet, and financial resources for materials, travel, food, and additional academic credits to accommodate an extended research process. In short, doing an action research project from start to finish in a purely democratic way is not always compatible with the demands of a doctoral program. It is not impossible, however, and doctoral students who are interested in carrying out action research projects can work creatively with their programs, especially one as flexible as mine, to devise a way to include co-participants in a planning phase prior to writing their proposals. This in part depends on students having a high degree of awareness of action research, its applications and benefits, early on in their schooling. In our program, education about action research is swiftly growing thanks to a group of committed students and faculty advocating for increasing its use in our field.

In my case, I happened upon action research mid-way through my program through independent reading, and I undertook extensive self-education to clarify its applications for myself. My project was ultimately a hybrid of traditional and participatory approaches to research, because I had already been on a standard trajectory (i.e., fieldwork follows problem and methods) by the time I took on the preliminary work. On the other hand, as a mediator myself with many years of experience, my subject was not a product of abstract theorizing through literature. One could say that my work prior to going to S-CAR was an informal action research endeavor, in that I regularly tackled challenges in mediation through conversations with colleagues and adjusted our processes to respond to those challenges. In this sense, I had been an action researcher for many years without knowing what it was. One of the aspects that distinguishes a formal action research project, according to Herr and Anderson, is the "commitment to carefully documenting ongoing decision making and decisions taken" and, I would add, a purposefulness in carrying out learning cycles

As an emergent project, the central literatures shifted over time. Though I had done much literature review already around adult learning, I had not delved as deeply into epistemological development. After engaging with the data (interview and conversation transcripts), I found the latter literature to be most relevant, not only in supporting my decisions about analysis frames, but also as a subject of study in itself with respect to mediator learning in reflective practice groups.

Chapters Overview

As introduced here, this dissertation captures my learning process in collaboration with three groups of mediator colleagues to assess the utility of reflective practice groups (RPGs) in support of learning through practice. The writing is divided into two parts, "Foundations" and "Learnings."

Part I, "Foundations," lays out the background literature and research strategy that informed my analysis. It is composed of Chapters 2 – 5, briefly described below:

- Chapter 2: Mediation and Reflective Practice – Overview of the mediation field and salient characteristics of mediation research and its challenges. Extensive background on reflective practice, including its development, definitions, subcategories and its current usage in mediation.
- Chapter 3: Adult Learning and Knowledge Development – Overview of the literature on adult knowledge development (personal epistemologies) and attention to specific epistemological models that inform my analysis of our group work.
- Chapter 4: Epistemological Foundations – Specifies my own ways of knowing in relation to this research, and the epistemologies that inform an interpretivist action research approach.
- Chapter 5: Research Strategy and Process – Details research approach and methods, broken down into three parts: work forms (formats), techniques (methods or tools) and strategy (overall research approach; in this case, action research).

Part II, "Learnings," presents the findings and analyses from my fieldwork with reflective practice groups. It is composed of Chapters 6 – 12, summarized below:

- Chapter 6: Learnings about the Mechanics of Reflective Practice Groups – Recounts group learnings about the utility of the work forms and techniques we used and our initial understandings of reflective practice and action research.
- Chapter 7: Critical Learning Moments: Introduction – Introductory information for the subsequent three chapters on critical learning moments. Critical learning moments are the learnings that resulted from reflecting on critical (unsettling) moments in practice.
- Chapter 8: Critical Learning Moments: Conflicting Theories of Conflict – Illustrates and deconstructs two critical moment types involving incompatible theories of conflict, "self versus setting," and "private self versus public self."
- Chapter 9: Critical Learning Moments: Effects of External Experiences – Illustrates and deconstructs two critical moment types involving the influence of external experiences on mediation practice, "lived experience versus training," and "mediation versus other modalities."
- Chapter 10: Critical Learning Moments: To Speak or Not to Speak – Illustrates and deconstructs two critical moment types involving the broaching of delicate topics, "speaking of race and identity," and "speaking of vulnerability."
- Chapter 11: Participant Takeaways from the RPG Experience -- Summarizes our assessments of the purpose, utility and effects of reflective practice and of action research with mediators.

- Chapter 12: Reflective Practice Groups for Mediator Learning: Conclusions – Detailed breakdown of the ways RPGs supported or inhibited mediator learning and strategies learned to maximize or minimize these respectively. This chapter also puts forth future avenues of research needed about the use of RP in conflict resolution practice.

Accompanying documents are included at the end as appendices to support and illustrate various portions of the writing:

- Appendix A: Sample Recruitment Email
- Appendix B: Letter to Workplaces
- Appendix C: Informed Consent Form
- Appendix D: Sample Reflective Practice Group Agenda
- Appendix E: Some Guidelines for Reflective Debrief
- Appendix F: Post-session Inventory Card
- Appendix G: Reflective Practice Definition and Double Loop Visual
- Appendix H: Mediation Reflection Tool for Values Alignment
- Appendix I: Crafting a Mission Statement
- Appendix J: Reflective Debrief Sample Questions
- Appendix K: Interview Questions
- Appendix L: List of Reflective Practice Group Sessions and Debriefs

Though this document is a completed work, the project it recounts is ongoing, as mediators continue to meet and expand on their use and understanding of reflective

practice. I invite readers with relevant experience to support our effort by offering your insights.

PART I: FOUNDATIONS

Overview

The chapters in Part I organize and explain the literature that most informed my analysis of learning within reflective practice groups, in addition to the research methods and strategy that I undertook. Chapter 2 covers relevant background on mediation and reflective practice, especially for those who are new to either area. Chapter 3 addresses definitions of learning and models of knowledge development (personal epistemologies) that apply to my analysis of our group dialogues. Chapter 4 expands on the epistemological foundations of the project, both my personal epistemology in research and the epistemological foundations of an interpretivist action research project, in which social construction of meaning was central. Finally, Chapter 5 sets out what is typically known as the methodology section, broken down into three parts: work forms (formats), techniques (methods or tools) and strategy (overall research approach; in this case, action research).

Chapter 2 - Mediation and Reflective Practice

Mediation

Origins and Development of Professional Mediation

Formal mediation, as it is practiced today in the Americas and Europe, did not develop from a formal academic discipline, in the way that some other professions did. Its roots can be found in our very biology, and in various religious traditions, mythologies, and ancient community processes of justice, impossible to fully trace (Benjamin, 2012; Menkel-Meadow, Love, Sternlight, & Schneider, 2010, p. 272). More formally in the United States, mediation was institutionalized through the labor, social justice and community sectors, around the mid-20th century (Menkel-Meadow et al., p. 273). Mediation has undoubtedly changed considerably from its first forms, but what we commonly know today as community mediation was shaped by negotiation thinkers in the Harvard Negotiation Project, William Ury and Roger Fisher, who offered an interests-based process for resolving conflict (Fisher, Patton, & Ury, 2011). Mediation is usually a short-term intervention (just one meeting with a client is the norm), and mediators practice a variety of styles ranging in levels of: mediator directiveness, and instrumentality (e.g. dialogue as an end in itself or dialogue in service of an agreement).

Mediation Research

Mediation is likely the most recognized practice associated with the field of conflict resolution, yet analysis of the practice is currently under-represented in academic conflict research. Though the practice has existed in some form or another for millennia, formal mediation practice has grown primarily in two arenas since the 1970s and 80s: international relations and labor management relations. Later it widened to include family and divorce cases, small claims court settlements, neighbor conflicts, landlord-tenant issues, and large-scale environmental conflicts. With the growth of the formal practice of mediation during its early decades, researchers and their funders followed suit, with many studies oriented toward the superiority of mediation to litigious processes (Kressel, Pruitt, et al., 1989). In the mid-80s, the literature turned toward an interest in theory building and testing through empirical studies about mediation's impacts. (Bercovitch, 1984; Fisher; 1983; Kressel and Pruitt, 1985; Rubin, 1980; Wall, 1981). In addition to the growth of empirical research, literature about mediation during this period also included its connection to theories of conflict and the everyday wisdom of experienced practitioners who wrote prescriptively about their craft (Kressel, 2014).

Although neither mediation practice nor research (nor funding for research) have conformed to the idealistic hopes many had for it during those early decades of its professionalization (Kressel, 2014), the practice itself still enjoys a strong foothold in the arenas where it made its first inroads. Mediation is still not a standard recourse for most people in conflict, but when parties do decide to avail themselves of a mediator, the results are generally positive. Currently, settlement and compliance rates through

mediation average at 80 percent, an impressive number, especially when compared to 48% compliance with adjudication processes (Kressel, 2014). The literature also describes many other helpful outcomes, including its cost efficiency, effect on improving relationships, fairness of process, and space for self-determination thereby giving parties higher motivation to resolve their own problems (Wall and Dunne, 2012, p. 232). Whether mediation is more of a band-aid than a lasting solution that addresses root causes of conflict is a question up for debate. Yet, however limited or flawed the many forms of mediation may be, the need for third parties to support people to navigate the complexity of conflict conversations in today's world, is still very present.

According to a contemporary review by Wall and Dunne (2012), at least 350 articles have been written about mediation in the decade preceding their review. While not a small number, the bulk of these articles provide limited findings, in that they focus either on descriptions and typologies of what mediators do, or on prescriptions (based on little or no data) of what mediators ought to do. Mediation studies are also typically detached from the larger context in which mediation operates, such as institutions or cultural and social norms, focusing on the micro level of practice (i.e., mediator interventions). Alternately, studies focus on macro levels of practice such as large-scale case comparisons, and disregard the diversity and particularities of mediator actions and decision-making (Coleman et al., 2015).

Based on their extensive review of the existing literature, Wall and Dunne identify several gaps, including "causes/antecedents of mediators' strategies" and "impacts of the mediators' use of particular strategies" (Wall and Dunne, 2012, p. 227). They specify

future research possibilities that would address this and other breaches in our knowledge about mediation (p. 228):

- Observations of mediator-disputant interaction in actual mediations and the establishment of causation direction in the interactions
- Investigations of the antecedents to the mediation strategies
- The use of comparison/control groups to determine the effects of mediator techniques and strategies
- Investigation of mediators' subconscious goals and the cognitive schema that underpin them
- Reports of the conditions under which mediation is most effective
- More empirical studies

Challenges of mediation research. As mentioned earlier, one of the challenges acknowledged in the literature is that there is no agreed upon gold standard about either the aims or the best strategies of mediation, making it difficult to measure effectiveness of mediator practice. While ostensibly the goal of mediation is to resolve conflict, there is no agreement in the field about which strategies are superior or most ethical in accomplishing this (i.e., how directive the mediator ought to be, how much content a mediator should provide, etc.). In the United States, for instance, there is no common mediation certification standard. Whether one takes a two-hour or a 40-hour training, anyone has a right to call him or herself a mediator and serve the general public without need for accreditation.

More significantly, however, mediators claim a variety of goals. In the literature, these goals run the gamut from relationship building or greater mutual understanding to arriving at a settlement at all costs.

Another challenge for any study that attempts to measure impact of mediator strategies on outcomes is that mediators by and large use the same descriptive words to mean different things for many aspects of their practice. For instance, for one mediator, "summarize" could mean reflecting (mirroring) back to one party, and for another it can mean a literal synthesis of a piece of conversation between two people. As we will see later in this study, other commonly used mediator words like "constructive," "counterproductive," or "relevant issues" can also be understood differently by different mediators. This ambiguity around the meaning of terms on top of the diverse ways in which practitioners carry out the very basic defining actions of mediation practice, such as "active listening," imply that we cannot make generalizations about the effectiveness of any strategy, based on mediators' labels for what they do. This is true whether we are talking about an overarching label such as a mediator's advertised "style" (i.e., transformative, facilitative, evaluative) or simply their descriptions of what they do (e.g., "I am a neutral third party who doesn't have a say in the outcome of the mediation.")

Relying on observational studies is one way to create more uniformity around terms for mediator behaviors, but as researchers know, it is challenging to have access to cases. Besides this, coding behaviors in observed mediations in order to draw correlations about what factors may influence certain interventions, is problematic. A recent study by Peter Coleman and team (2015) showcases the types of factors subject to

operationalization, such as: low or high intensity of conflict, no latent issues or important latent issues, few concerns about identity or significant concerns about identity, and simple environment versus complicated environment. How is one to determine these categories reliably? Also problematic is that in order to measure these categories, they become more monolithic than is true to life. That is, they discount the mutational aspect of conflict conversations, in which concerns, issues, needs, even relationships between parties, are all subject to change over the course of a dialogue. Mediator goals are likewise relegated to a frozen state in time, with terms such as "clarity," "agreement," "control the outcome," "understanding," and so on. Experienced mediators are well aware that their goals, as much as parties', are liable to change over the course of the process, and that parties and mediators mutually influence one another (Wall and Dunne, 2012).

Bearing all these challenges in mind, it is still too early to rely on research that categorizes notions we yet know too little about. Interrogating how mediators make sense of the language used to describe their practice is an essential step before making very solid generalizations about the effects of those interventions. Some of the subjectivity in defining terms relates to levels of interaction in conflict. For instance, in the case of "agreement," two parties might have compromised on a financial matter enough to sign an agreement, but remain at odds with respect to their personal grievances against each other. A mediator may then mark a post-mediation outcome survey with "agreement," despite being keenly aware that parties may have walked out in greater discord than they walked in. We can imagine similar examples for other terms, like "establishing clarity" or "controlling the process." There is a fine line, for example, between structuring a process

and pressuring parties to comply with a process. The terms and categories are too subjective to quantitatively measure in correlation with outcome (e.g., "when mediator X establishes clarity for parties, he retains greater control of the process, increasing the chances for an agreement to occur.") Subtle differences in how or when a mediator carries out an intervention, and what the mediator means by a term, can have vastly different impacts on both parties and external evaluators.

In addition to the shortcomings of outside researchers defining debatable mediation concepts, challenges also exist in establishing who decides standards of excellence. Not having a consensus about what constitutes good or effective mediation also fits into a larger conversation about who gets to determine these things and when. An outcome could be considered "good" by a judge, for instance, but not by both parties in a mediation. Or some parties might consider that a process was fair even if they didn't get what they wanted out of it, and so still consider that it was a "good" mediation. Alternately, a mediator may have mediated a case "by the book," and be considered "good" according to their trainers, but unsatisfactory to the parties. Interestingly, in one recent study that included role-playing parties to rate the quality of their mediators, mediators who were most loyal to their style's instructions scored lower than other less clearly articulated styles (Kressel, Henderson, Reich, & Cohen, 2012). Because mediation practice and research so often exist in a vacuum removed from their larger societal contexts, it is important to view considerations of "good," "best," and "effective," according to the larger frames in which both the practice and the parties live, much as critical theorists have challenged the kind of justice claimed by mediation, especially in

cases where there are severe power imbalances (Cobb, 1997; Press, 2012; Wing, 2009). Both in research about what constitutes good practice and in the practice itself, lacking solid examinations of the very frames through which the practice is conducted (i.e., cultural norms about what "respect" looks like, or what topics are chosen as "important" in a conflict conversation), may inadvertently recreate the very imbalances that are at the source of those conflicts in the first place (Merry, 1990).

Mediators, of course, are not operating independently of all these variables. Many factors influence the ways in which they make sense of what they are taught and how to implement it in practice.

Literature on mediator behaviors. Because empirical studies are still limited in number and at a nascent stage of making sense of mediator approaches, the empirical literature around mediator behavior does not have discernable camps of debate. The debates in the field are more often found in writings by mediation trainers and practitioners who promote various styles and ideologies of practice (Bush & Folger, 2004; Moore, 2014; Winslade & Monk, 2000).

Researchers who have empirically delved into the factors influencing mediator behaviors are few, and their research often relies primarily on self-reports of mediators, a less than optimal means of collecting information about observable behaviors (Charkoudian, 2012; Wall & Dunne, 2012; Wall & Kressel, 2012). In addition to possibly misremembering their responses and interventions in mediations, evidence shows that people often do not accurately attribute causation to their actions, because motivating factors are often subconscious (Kressel, 2013; Nisbett & Wilson, 1977). Although

mediator self-reports are not reliable for quantitative types of empirical research, they are incredibly valuable for discerning *how* mediators understand and evaluate what they do. Given how irregular conflict is and how regularly mediators find themselves improvising in practice, quantitative assessments of mediator behaviors do little to support generalizable knowledge that is of practical use to mediators.

Studies of mediator behavior have concentrated on mediator styles, also frequently termed as approaches, techniques, or strategies (Wall & Kressel, 2012). However, much of this research revolves around delineation of typologies based on either observations or mediator self-reports, and less on the effects of styles on disputant responses (2012). More recently, researchers have advocated for a consolidation of styles, and for moving past old lessons to develop “structured research programs in which researchers investigate actual mediations, utilizing comparison groups” (Wall and Dunne 2012, p. 239). Rather than spending time on descriptive studies, in other words, mediation researchers are calling for investigations that take a closer look at decision-making and causality in processes.

The limited number of studies that have dealt explicitly with sources of mediator decision-making have offered some useful insights that can be evolved into further research avenues. Deborah Kolb’s book, *The Mediators* (1985) was an early pivotal work attempting to explain mediator behavior by following eight state and federal mediators in their respective government agencies to grasp the factors (environmental, institutional, and role perspectives) that determine what strategy they choose, whether “orchestrating” or “dealmaking.” Other empirical studies over the years, including studies of managers’

dispute resolution intervention strategies, have attempted to identify and measure influences on mediator strategies, such as: levels of interpersonal trust among disputants and time pressure on mediator (Carnevale & Conlon, 1988; Druckman, 1971; Ross & Wieland, 1996), perceived common ground, mediator's concern for party outcomes (Carnevale & Henry, 1989), intensity and importance of conflict, and power relationship between parties (Pinkley, Brittain, Neale, & Northcraft, 1995).

Although not explicitly about influences on mediator behavior, the oft-cited article by Leonard Riskin, "Understanding Mediators' Orientations, Strategies, and Techniques: A Guide for the Perplexed" (1996), depicting evaluative and facilitative mediation orientations, does posit conditions that could determine mediator strategy choices (e.g., narrow to broad definitions of the problem). These studies provide a good start, but pioneers of mediation research who have grown the field over the past four decades insist that more work needs to be done. Dean Pruitt, for instance, has suggested that since mediation research is still young, creating hypotheses may be premature, and a better approach would be to talk with practitioners about the conditions that lead them to employ different tactics, and thereafter develop experiments to test hypotheses based on those conversations (Pruitt, 2012, p. 388).

More recently, studies by Kenneth Kressel in particular have begun to explore mediator strategies through a reflective practice lens in an effort to get at the "tacit and often unacknowledged ideas that influence their actual behavior" (Kressel, 2014, p. 818). Partly in order to widen the scope of data beyond what could be known through quantitative processes, Kressel developed a reflective case study method in order to draw

out mediator motivations that might at first reside at a subconscious level (Kressel, 2013; Kressel & Gadlin, 2009; Kressel et al., 2012). In his most recent study on the subject (2013), Kressel speculates that both explicit and implicit (or tacit) *schemas* (styles, mental models, orientations, etc.) are responsible for guiding mediator actions, and that often times mediators' explicit and implicit schemas are actually at odds with one another. Kressel's work draws on the subjects of reflective practice and learning, two areas that also overlap with my own questions of this misalignment between mediator espoused theories and mediators' actual behaviors.

Reflective Practice

Reflective practice can be classified under a wider umbrella of practices in *reflection,* encompassing related approaches such as: action learning or action research (Lewin, 1946), experiential learning (David Kolb, 2015), and deliberate practice (Ericsson, 2008). In addition to the academic classifications of reflection, the word "reflection" is frequently utilized in everyday speak, making it difficult to strictly define and distinguish it. Distilling definitions to their common denominators, however, Moon characterizes reflection as "a mental process with purpose and/or outcome…applied in situations where material is ill-structured or uncertain in that it has no obvious solutions" (Moon, 2004b, p. 5). In other words, reflection is useful in situations of uncertainty, the kind mediators regularly face. What determines differences in types of reflection is how we apply and frame learning mechanisms, versus the mechanisms themselves, which appear to be universal (Moon, 2004b). That is to say, the mental act of reflecting is the same, but we can interpret and apply this act in different ways.

Though it is by no means the only kind of reflection applicable to mediation practice, I am focusing on reflective practice for this project in part because of its origins (largely thanks to Donald Schön's work in the 70s and 80s) as a means of supporting auto-evaluation and continuing education among professionals. Mediators have an abiding interest in professionalizing their practice and improving the quality of their work. Additionally, there seems to be a surge of interest by mediators in incorporating reflective practice in our field, making it important that we closely research and assess its applicability, utility, strengths and weaknesses.

Development of Reflective Practice

Influences preceding Schön are also commonly recognized in conjunction with the development of his ideas and those of his contemporaries. Most notably, John Dewey's writings on education reform and theory of inquiry (Dewey, 1916, 1938, 1963), and Michael Polanyi's writing on tacit knowledge (Polanyi, 1966) were central to Schön's philosophical foundations.

Certain critical theories, too, are sometimes noted as original inspirations for reflective practice, such as Habermas' aforementioned theory of emancipatory learning (Habermas, 1972), Paolo Freire's theory of human liberation (Freire, 1986), and Michel Foucault's ideas on dominant discourse and "regimes of truth" (Foucault, 1982).

More contemporary contributors to reflective practice literature include adult learning theorists: Chris Argyris, who collaborated closely with Schön (Argyris, 1982; Argyris & Schön, 1992); David Boud (1985); David Kolb (2015); and critical educational theorists, such as Jack Mezirow (Mezirow & Associates, 1990) and Stephen Brookfield

(1998).

Finally, reflective practice has blossomed especially in the learning literature of particular professions, and there are ongoing contributions from authors who write through the lens of their particular practice specialization. Most prolific are those in nursing (Bulman & Schutz, 2013; Gardner, 2014; Hargreaves & Page, 2013; Johns & Freshwater, 2005; Rolfe, 2010; Lillyman & Merrix, 2012); social work (Knott & Scragg, 2014; Pawar & Anscombe, 2014; Wang, 2012; Yelloly & Henkel, 1994); and education (Bolton, 2014; McCann, Johannessen, Kahn, Smagorinsky, & Smith, 2005; Sherwood & Horton-Deutsch, 2012; Spalding, Garcia, & Braun, 2010; Zeichner & Liston, 2013). The number of article submissions from scholar-practitioners in these and other fields is enough to supply bimonthly publications for a peer-reviewed journal dedicated entirely to reflective practice, *Reflective Practice: Journal of International and Multidisciplinary Perspectives.* In short, reflective practice continues to develop as an area of study and practice, including a slow budding in the field of mediation, as we shall see later.

In order to set a solid foundation for a deeper discussion of reflective practice as it pertains to mediation, I will give special attention to Donald Schön's conceptualization of it, then move beyond Schön's work to discuss critical reflection and reflexivity, terms that frequently overlap with discussions of reflective practice.

Defining Reflective Practice

Reflective practice theorists define the concept in different ways, highlighting the multiplicity of uses and forms attributed to it (Collin & Karsenti, 2011). White, Fook and

Gardner (2006) attempt a working definition, by extracting the common building blocks among many definitions:

1. A process (cognitive, emotional, experiential) of examining assumptions (of many different types and levels) embedded in actions or experience.
2. A linking of these assumptions with many different origins (personal, emotional, social, cultural, historical, political).
3. A review and re-evaluation of these according to relevant criteria (context, purpose, etc.).
4. A reworking of concepts and practice based on this re-evaluation.

(White, Fook, & Gardner, 2006, p. 12)

The breadth of this definition allows for many manifestations of what processes we can legitimately call "reflective practice." The differences between reflective practice processes can range from the aspects of learning that are emphasized (for example, cognitive, emotional, or social learning), to the degree of systematization of the process, to the level of transformation the process derives. The uses of reflective practice can also run the gamut from increasing accountability to and conformity with existing norms of practice, to questioning the assumptions within those norms (White et al., 2006).

For instance, in the case of increasing accountability and conformity, it could be that a community mediator who commits to upholding party self-determination by not giving advice, notices how she has subtly offered a suggestion to parties. Through a reflective practice process of questioning her assumptions, she raises her own awareness of when and why she might "slip" into making a suggestion (perhaps when she is feeling

"out of options," senses a time constraint, or believes very strongly that putting the idea forward will result in resolution). She can then wrestle with exploring whether other options were in fact available to her that would have allowed her to not violate her commitment and still honor or alleviate the external pressures she was feeling.

An example of questioning assumptions might be if a mediator followed a course of action he was taught, like move onto an agenda-building stage after gathering information from parties, but experienced resistance from the parties, and – upon reflecting – reassesses the assumptions he held about when or why to transition away from collecting information. He might even engage in a more critical level of reflection to question the very validity of the "stages of mediation" he was taught. Through reflection, this mediator could get a clearer understanding of the reasons behind his intervention choices and how they relate to the unpredictable dynamics of the parties.

Levels of reflection, as in that last example, are different from types of reflection in reflective practice (Fendler, 2003; White et al., 2006). For instance, two mediators might use the same type of reflective practice tool, such as a questionnaire or journal, but engage in different levels of reflection. Argyris and Schön's (1974) single and double loop learning demonstrate different levels of reflection: the former signifying reflection of the practice at face value (for example, experimenting with different ways of asking curious questions), and the latter signifying a deeper reflection around the assumptions that inform the practice (such as questioning whether a standard mediation process is even appropriate given extreme power differences of participants). White, Fook, and Gardner (2006) note that levels of reflection are often depicted as a stage model with increasing

amounts of depth, transformation or criticality, differing in the sophistication and focus (content, process, or language) of those stages (pp. 13-14). Different levels of reflection might be applied to different parts of a process, too. For instance, mediators may go deep in analyzing the context of a conflict and remain superficial in reflecting on their own behaviors or position in relation to that context.

Levels of reflection manifest through a variety of actions, from a very basic external reflection on practice (such as, "what intervention did I choose and what effect did it have on parties?"), to more structured processes to get at intuitive understandings in practice ("what may have prompted me to automatically intervene in that instant?"), and finally, to challenge those assumptions ("what did I assume about the parties' needs that moved me to intervene? What is the source of that assumption, and is that source reliable? What constitutes "reliable" knowledge for me? And so on) (Fendler, 2003).

Reflective practice literature elaborates on many models and tools of reflection, such as journals, case studies, critical conversations with peers, storytelling, and facilitated conversations (S. Thompson & Thompson, 2008, pp. 79–107). Attention to emotion and the body as other means of "reflecting" are also broadening the scope of reflective practice, such as linking mindfulness practices with mediator best practices (Beausoleil & LeBaron, 2013; Friedman, 2015; Goodman, 2013). Use of the arts, such as painting, dancing or guided imagery, are also used as means of coaxing unconscious knowing to the surface (Marsick, Weaver, & Yorks, 2014, p. 574). As an epistemology of practice, reflective practice recognizes the legitimacy of forms of knowledge beyond the cognitive. This is a benefit for mediators, who still rely heavily on rational, word-centered

approaches to conflict, even though research is clear that the experience of conflict transcends rationality (Aureli & Waal, 2000; Sapolsky, 1997; Yarn, 2009).

While many tools for reflective practice exist, scholars warn that, without a foundation in principles or theoretical frameworks, such tools can be ineffective or even dangerous in practice (Hargreaves, 2004; White et al., 2006). This cautionary note is relevant for mediators, because they often learn tools or techniques divorced from their theoretical foundations (Lang & Taylor, 2000, p. xii; Macfarlane & Mayer, 2005), thereby risking their use at inopportune moments.

Within a taxonomy of reflective practices, we can distinguish three categories that connect to mediator learning: Schönian reflective practice, reflexivity, and critical reflection. Schönian reflective practice can be seen as the most basic and foundational of these three, descriptive of the mechanics of reflective practice, while reflexivity and critical reflection signal levels of reflection within those mechanics. Schön offers specifics on systematizing reflection for working professionals ("reflection-on-action" and "reflection-in-action"). Reflexivity indicates reflection that takes one's positionality and context into consideration. Critical reflection includes a reflexive orientation, and refers to a conscious investigation into the sources of our assumptions in practice, and a consequent effort to adjust our behavior according to whatever renewed understanding that investigation yields. I will describe these categories each in turn, discussing the special relevance of critical reflection for mediators.

Reflective Practice of Donald Schön

Most introductory literature about reflective practice cites Donald Schön (1930-

1997) as one of its earliest and most influential proponents. Schön was a former organizational consultant and urban planning professor at Massachusetts Institute of Technology. Influenced in great part by the ideas of pragmatist and education theorist, John Dewey (Dewey, 1916, 1938, 1963) and by philosopher Michael Polanyi's (1966) writing on tacit knowledge (implicit practitioner knowledge), Schön's work was especially aimed at the study of professional practitioners, such as architects, engineers, psychotherapists, managers and doctors. His book, *The Reflective Practitioner: How Professionals Think in Action* (1983), is often referenced as a primer for understanding how a reflective practice approach differs from the traditional "technical rationality" approach that university cultures have imposed on the teaching of the professions.

Technical rationality, according to Schön, is a research approach in which standard but ill-suited scientific forms of inquiry are applied to learning practice and professional development. As described by Schön, technical rationality considers pre-fixed theories and general principles as more legitimate forms of knowledge than the "swampy lowlands" of concrete experience (Schön, 1987, Chapter 1). In the epistemology of technical rationality, theories precede practice and inform it uni-directionally, and as such, Schön challenged its utility for working practitioners.

Technical rationality operates on the assumption that the problems faced in professional practice are clearly defined, predictable, and solvable by selecting from a finite list of procedural sequences. However, as Schön noted, the types of problems encountered in the real worlds of practitioners are usually "puzzling, troubling and uncertain" (Schön, 1983, p. 40). Their context and parameters are not linear, and

therefore our responses to them cannot be linear in the way that pre-fixed techno-rational approaches would dictate. This is especially true in the case of conflict resolution processes dealing directly with the heightened emotions of disagreeing parties, wherein experienced mediators learn to exercise some level of "artistry," or implicit knowing (Lang & Taylor, 2000; Schön, 1983; N. Thompson & Pascal, 2012).

Instead of relying on inaccurate mechanistic understandings of real-world situations, Schön encouraged practice researchers to, instead, "turn the problem upside down" (Schön, 1987). That is, rather than starting with the application of theoretical frameworks to the understanding of practitioner artistry, we should instead start by observing what practitioners are actually doing, and subsequently build theories about practice based on those observations. Such a perspective raised practitioner "know-how" – often intuitive, unarticulated, or subconscious – to a level equal or superior to the theories of traditional researchers. More than this, it opened the way for practitioners to see themselves as expert researchers, too, who could actively shape an evolving epistemology of practice (Raelin, 2007).

What Schön referred to as reflective practice was essentially an individual's process of identifying – through a variety of means – their own theories of action so that they might exert greater control over them and consequently improve their practice. He and long-time research partner, Chris Argyris, defined theories of action as the theories that explain any particular course of action, roughly encapsulated in this formula: "In situation S, if you want to achieve consequence C, do A." More specific to our purposes, theories of action compose theories of practice: "a set of interrelated theories of action

that specify for the situations of the practice the actions that will, under the relevant assumptions, yield intended consequences" (Argyris & Schön, 1974, p. 6).

Though both linearly causal (an aspect of Schön's theory that has been critiqued), the difference between theories of action in reflective practice and those in a technical rational approach is that a reflective practice approach considers "relevant assumptions" to be in regular flux, whereas technical rationality would rely on static and formulaic responses based on pre-determined assumptions about, say, what parties need in conflict. In other words, it might not take into account the countless variations possible in "situation S." For reflective mediators, no two situations are the same, even if the type of conflict is familiar (civil, criminal, family, etc.)

All of us use theories of action on a daily basis, whether we are conscious of it or not, through things like cooking, driving, tying our shoes, riding a bicycle, writing, and many other everyday activities. In all these practices, like in mediation, we execute what Schön and Argyris call "espoused theories" and "theories-in-use," theories that govern what we *say* we do and those that govern what we *actually* do in practice. Sometimes, these two are not in alignment, as in the earlier example of the mediator who offered suggestions, though she espoused not doing so. In that case, her theory-in-use trumped her espoused theory under certain conditions (running low on time or some other external pressure). One purpose of reflective practice is narrow the gaps we have between our espoused theories and our theories-in-use by bringing these discrepancies to consciousness, when we might ordinarily not note them or their impact.

Schön highlighted two oft-cited ways of doing this: "reflection-in-action" and

"reflection-on-action." The former refers to thinking about what we do in the moment that we are doing it (for example, noting our internal responses to split-second intervention choices), and the latter is reflection after the fact of having carried out our practice, manifested often in the use of reflective journals, debriefing sessions with colleagues, or questionnaires. Thompson and Thompson (S. Thompson & Thompson, 2008) note that Schön omitted another very important piece: "reflection-*for*-action," or careful forethought and planning prior to an intervention. For mediators, this piece is often missing also, since in many institutional settings, mediators are called in with little prior knowledge of a case and are expected to "jump in" to the situation at hand (Deborah Kolb & Associates, 1994; Moore, 2014). Where reflection-for-action is not a norm, as in many mediation centers, mediators are subject to whatever mood or state they happen to be in prior to walking into a mediation room (Friedman, 2015; Goodman, 2013). Inattention to one's inner state is a liability when walking into a process where full presence of mind is needed.

While Schön's work is just one formulation of reflective practice, it serves as a useful base for understanding the mechanics of a reflective practice process. Within his formulation, different levels of reflection are possible, like reflexivity and critical reflection.

Reflexivity

The concept of reflexivity sometimes overlaps with reflective practice in the literature, either as an extension of the meaning of reflective practice or as interchangeable with it (Malthouse, Roffey-Barentsen, & Watts, 2014). When defined

independently, however, it usually refers to one's own sense of positionality and power in his or her practice context. Malthouse, Roffey-Barentsen and Watts (2014) helpfully describe reflexivity according to sociologist Anthony Giddens' theory of structuration (regarding social life as an interplay between agency and structure):

> Reflexivity has come to mean an act of self-reference where self-examination entails the capacity of an individual to recognise forces of socialisation and the capacity to shift her or his place in the organisational structure. (Malthouse et al., 2014, p. 598)

In this sense, reflexivity is not just about understanding our place within a larger context, but also understanding the effects that structure has on us, and vice versa.

Reflexivity, with regard to research, is normally paired with naturalist epistemologies, such as ethnography, in the sense of studying a subject from within, rather than approaching it at an objective distance. Cerwonka and Malkki (2007) explain their conceptualization of ethnography with the following reflexive orientation:

> To say that understanding is always a situated practice is not simply to acknowledge that we always bring personal "bias" (conceptual and personal fore-understandings and prejudgments) to our research. It is to say that we always understand *through* a set of priorities and questions that we bring to the phenomenon/object we are researching. While scholars might not acknowledge the elements that inform their research, the elements are nevertheless there, invisibly so. This point bears on the important question of how one's personhood is also a *condition* for knowledge claims, rather than a deterrent to understanding.

(Cerwonka & Malkki, 2007, p. 28)

A reflexive practitioner is conscious of how one's participation and interpretation of language or surroundings affect the level of objectivity and "truth" one can claim. Beyond an interrogation of one's positionality and context, reflexivity can also imply a questioning of the very processes by which our interpretations of reality are produced, and of how honestly we can claim personal insights as reliable evidence of a phenomenon, or more concerning, as more reliable than clients' insights (Bishop & Shepherd, 2011; White et al., 2006, p. 75).

Critical Reflection

Critical reflection (also referred to as "critical" or "critically" reflective practice) is frequently tied in with reflexivity. It is sometimes understood as reflective practice that includes reflexivity (Malthouse et al., 2014; White et al., 2006). Though it is sometimes differentiated from reflective practice, some authors prefer to identify it as a subset of reflective practice, or simply as a given within quality reflective practice (Alley, Jackson, & Shakya, 2015; S. Thompson & Thompson, 2008). White, Fook and Gardner (2006) offer this characteristic definition of critical reflective practice, from Stein (2000):

> Critical reflection is the process by which adults identify the assumptions governing their actions, locate the historical and cultural origins of the assumptions, question the meaning of the assumptions, and develop alternative ways of acting. (p. 12)

Jack Mezirow's theory of *transformative learning* (1990, 1997) is another way of denominating critical reflection. He tied it to Habermas' notion of *emancipatory learning*

(1972) in which we are conscious of the hegemonic (dominant) structures and ideas that shape how we think about our practice and what we notice about it. As Mezirow describes it, transformative learning is "reassessing the presuppositions on which our beliefs are based and acting on insights derived from the transformed meaning perspective that results from such reassessments" (Mezirow, 1990, p. 18)

With respect to conflict resolution practice, Marsick et al. propose critical questions that "probe the context, the assumptions of the people involved, and the way these influence their judgments, expectations, and behaviors":

- What else is going on in the environment that I might not have considered but that may have an impact on the way I understand the situation?
- What is the other person's point of view, assumptions, and expectations, and how can I find out more about them to be sure?
- In what ways could I be wrong about my hunches?
- How are my own intentions, strategies, and actions contributing to outcomes I want to avoid?
- In what way might I be using inapplicable lessons from my past to frame problems or solutions, and is this framing accurate?
- Are there other ways to interpret the feelings I have in this situation? How can I better gain a pathway into experience of other people that might challenge or change my assumptions?

(Marsick et al., 2014, pp. 567–568)

For purposes of this work, I characterize *critical reflection* as reflective practice that:

a) tries to identify the motivations and assumptions underlying our practice

b) tries to identify the sources of those motivations and assumptions

c) is reflexive in its investigation, and

d) seeks to transform our behavior in response to all of the above.

White et al.'s definition of reflective practice presented earlier is in line with this characterization. Given that theirs is my working definition of reflective practice in this document, the reader should note that unless otherwise stated, my use of "reflective practice" in this document is aspirational by including reflexivity and critical reflection within its definition.

Relevance of critical reflection to mediators. Critical reflection is important for mediators, and indeed, for any social practitioner to consider because it opens spaces for conversations about aspects that are not immediately apparent, yet may be central to the quality of the practice, particularly as related to minorities or other parties who experience political or cultural disenfranchisement.

For community mediators especially, these considerations are crucial. We know that community mediation grew in part because it provided an alternative to traditional court processes that were insensitive to conflicts facing minorities. In fact, the first hallmark of a community mediation center, according to the National Association for Community Mediation (NAFCM), is that "mediators, staff and governing/advisory board" are "representative of the diversity of the community served" (see www.nafcm.org - "9 Hallmarks"). Nonetheless, with the increased professionalization of community mediation through the courts' demand for its services, mediator diversity has decreased

(Press, 2012, p. 37).

Clear dangers of this lack of diversity are exemplified through a study conducted in New Mexico in the early 90s demonstrating that ethnicity and gender of mediators significantly impacted the monetary outcomes of minority and female parties; in cases where there was at least one Anglo mediator, Hispanic participants received lower monetary outcomes, and in cases where both mediators were women, female parties also received lower monetary outcomes (LaFree & Rack, 1996; Press, 2012). More such studies are needed to grasp the extent to which socially disadvantaged parties are materially affected by mediators and mediation processes that fail to address these contextual inequalities.

Beyond material impacts, mediators' emphases on mediator neutrality and party self-determination also create blind spots about social and political inequalities; mediators may mistakenly assume that so long as they carry out symmetrical processes, parties will exercise equal agency in the mediation room. In fact, as Leah Wing notes in her poignant article about mediation and inequality (2009),

> Building from the assumption that each person will feel comfortable in discussing any topic on his or her mind, mediators are taught to stay away from asking questions or prompting narratives that may delve into discussing inequality. Additionally, they are taught to treat all narratives as equally legitimate once they are expressed. However, research on mediation and age, ethnicity, gender, first language, and race issues demonstrates that mediator performance actually fails in this respect. (p. 395)

Mediation is experienced in different ways by people in lower-power groups than by those in privileged groups, and research demonstrates that – because mediators are often from privileged groups - they tend to prioritize the narratives of parties with whom they resonate, though it is not their intention to do so (Cobb & Rifkin, 1991; Winslade & Monk, 2000). We will see examples of this in Chapter 9, "Critical Learning Moments: To Speak or not to Speak." While not all mediators or all forms of mediation are the same, these subconscious lapses of fair judgment make the case for mediators to ask themselves (and each other) critically reflective questions that are not currently modeled or encouraged in most mediator circles, questions about whose voice and narrative are privileged in a room, and about the impact of the dominant paradigm on the sight and language of any mediator, regardless of how well educated and socially progressive they may be.

Without critical reflection, mediators make changes in practice at the level of technique, but never tackle the deeper and broader layers affecting either their own behaviors or those of the parties, such as environment, cultural cues, or even physiological responses. Remaining at this level of reflection ensures that practice remains in its original form, rather than evolving into more relevant and effectively responsive approaches to conflict. Not only that, remaining at this level may actually ensure the disproportionate favoring of some social groups over others, thereby exacerbating inequalities that contribute to the conflicts mediators want to help resolve.

Mediators need spaces where they can feel safe in experimenting as they ask questions about their norms and assumptions, questions like, "What if we assume that our

clients come in with *un*equal agency rather than assuming they all have equal agency?" or "What if the identified 'complainant' in the case doesn't tell his/her story first every time? How might that affect what becomes the dominant narrative?" (Wing, 2009). Mediators can also benefit by asking themselves critically reflexive questions about their own positions within racial, social or institutional hierarchies, and how these filter the lenses through which they examine their practice.

Reflective practice theorist, Stephen Brookfield, who works primarily in adult education, reminds of the difficulties in becoming critically reflective in isolation. He warns about the phenomenon of using "our own interpretive filters to become aware of our own interpretive filters," begging the need, therefore, for lenses that "reflect back to us a stark and differently highlighted picture of who we are and what we do." (Brookfield, 1998, p. 197). Connecting with ourselves as learners, and hearing our colleagues as "critical mirrors" are a couple of ways he suggests in order to capture that picture. Understanding theoretical literature, too, Brookfield emphasizes, helps us to realize "that what we thought were signs of our personal failings as practitioners can actually be interpreted as the inevitable consequence of certain economic, social, and political processes" (1998, pp. 200 – 201). This interpretation is largely overlooked for mediators who prefer to articulate power "acontextually," as Wing puts it (2009, p. 393). Yet, it may be a comfort for mediators who dive into the complex and disheartening waters of social and racial inequality, to understand that there is only so much they can do in the space of a two-hour session.

Critical reflection thus seems essential for mediators who wish to evolve their

learning in practice beyond the lessons and tools they have inherited, especially for those who work with a wide diversity of individuals. Having the space also to experiment with processes, while reflecting in the company of critical friends and colleagues, can create opportunities to expand practice in ways we otherwise might not imagine or feel empowered to.

Critiques of Reflective Practice

While reflective practice, in theory, is generally well accepted by practitioners and educators, legitimate critiques have also been leveled against it. In addition to the challenge of its broad definitional scope, as seen earlier, several authors note that its theories are still not very well developed, and practitioner understandings of it are often superficial, prioritizing the *doing* of reflective practice exercises over a deeper analysis of its underpinnings (Fook, 2004; Ixer, 2016; N. Thompson & Pascal, 2012). Missing a clear and solid theoretical foundation is likewise a challenge for effective teaching or institutionalization of reflective practice, similar to the critiques of mediation itself ("a practice in search of a theory") (Wilson, 2004). Thompson and Pascal (2012) further point out that Schön's prolific work on reflective practice has been diluted in its widespread adaptation to practice, and that it also lacked a socio-political dimension, neglecting to incorporate power relationships (reflexivity). Another common critique of Schön's conception of reflective practice and of reflective practice in general is its emphasis on the individual, undermining the benefits of reflection as a social practice, just as learning is a social practice (Collin & Karsenti, 2011; Picard & Jull, 2011).

Looking closely at Schön's work with Argyris, too, we could say that both

explained their ideas via a technical rational language, though they criticized technical rationality (Fendler, 2003, p. 21). Indeed, the language of the academy, as pointed out by Cheldelin and Warfield (2004) is largely technical, paradoxically utilizing the criteria that reflective practice challenges, in order to justify itself (p. 71). Along these lines, Boud and Walker (1998) note important concerns about rule-based teaching and implementation of reflective practice, which neglects context. In this respect, reflective practice is subject to the very ills it is trying to remedy: prescriptive and inflexible practice. Finally, concerns about time requirements, and the difficulties in measuring reflective practice or its outcomes can make it unattractive for organizations or individuals who value efficiency and quantifiable outcomes (Fook, 2004, p. 59). These critiques highlight the importance for mediators to deepen their knowledge about reflective practice, so as to anchor themselves solidly in its many dimensions, versus including it as a "token" or superficial part of their work.

Growth of Reflective Practice in Mediation

In the mediation field, reflective practice has enjoyed a surge of exposure in recent years through professional conferences and publications touting its benefits. Conferences of the American Bar Association (ABA) Section on Dispute Resolution and the Association for Conflict Resolution (ACR) have both included workshops about reflective practice in the last few years (Arms, 2017; Arms & Berstein, 2015; Rappaport & Hartfield, 2016; Schneider et al., 2016; Scott, Reuben, Wohl, & Charles, 2016; Terry & Lenski, 2016), some of these sharing the experiences of U.S.-based reflective practice groups that have already been active for several years. Within the last two years, the

ABA, ACR, and the Academy of Professional Family Mediators (APFM) initiated ongoing reflective practice groups available to their members (Abramowitz, Stipanowich, & Gorelik, 2016; Association for Conflict Resolution, 2017; Lang, 2017).

Over the last three decades, reflective practice has solidly though sporadically appeared in the mediation literature. Scholar-practitioner, Kenneth Kressel, was one of the first to examine the use of reflective practice in relation to mediation (Kressel, 1997). The compilation of experienced mediator profiles by Deborah Kolb and Associates, *When Talk Works* (1994), was also inspired by Schönian ideas of reflective practice (Deborah Kolb & Associates, 1994; Kressel, 1997). As Kressel acknowledges, academic research about mediation has not commonly reached or felt relevant to practitioners, making it a challenge for researchers to support active mediators (Kressel, 1997). Recent studies by Kressel have begun to explore mediator strategies through a reflective practice approach, and draw out mediator motivations that might at first reside in a subconscious level (Kressel, 2013; Kressel & Gadlin, 2009; Kressel et al., 2012).

Lang and Taylor's book, *The Making of a Mediator* (2000) was one of the first introductions of reflective practice tailored specifically for practitioners rather than academic readers. While not a central focus of the mediation literature, reflective practice is also referenced in various writings about enhancing practice and training (see, for example: Bronson 2000; Friedman 2015; Hardy 2009; Hedeen, Raines, and Barton 2010; Kressel and Gadlin 2009; Lang and Terry 2013; Lieberman, Foux-Levy, and Segal 2005; McGuire and Inlow 2005).

Although mediators are fond of thinking *through* and *about* their practice, it is not clear if the mediation field holds reflective practice as a core tenet in the ways I have defined it here. Michael Lang recently shed light on shortcomings found in many mediator reflective practice groups today in his letter response (Lang, 2016) to an American Bar Association article describing the types and benefits of reflective practitioner groups (Abramowitz et al., 2016). Importantly, Lang noted that group members very often fall into two limited modes of participation: 1) offering advice ("Here's what I would have done," or "Did you think about doing…?"), and 2) sharing one's own experience of a situation that the speaker believes encounters the same dilemma as the struggling mediator's ("That reminds me of a mediation I had last week…") (Lang, 2016; Lang & Terry, 2013). Lang and Terry (2013) suggest specific principles of reflective practice, embodied in their "Reflective Debrief" process, that guide group members away from prescriptive tendencies during case discussions, and toward supporting the self-determination of each mediator.

It is impossible to say with precision the extent to which reflective practice is exercised in the mediation field, since some mediators who claim the practice may be engaging in the storytelling or prescriptive forms described by Lang, or simply thinking about their practice without structure or aim. In a brief survey a colleague and I conducted in 2015 to request reflective practice tools from a mediator listserve of approximately 3,400 members, only 23 individuals responded. Of these respondents, about 70% described systematic methods in sync with reflective practice, whereas the remainder described regular mediation approaches, not necessarily reflective in nature

(for example, "I listen to the parties," or "I follow the law") (Arms & Allen, 2015). These findings are indeed rudimentary and more research is needed to gauge accurately the extent to which mediators are self-reflective in their practice. If the paltry response to this survey is any indicator, and if we judge by the limited or mistaken familiarity with reflective practice in professional mediation conferences, it seems likely that most mediators do not incorporate structured reflection processes into their practice, nor do trainings typically teach or emphasize doing so (Hedeen, Raines, & Barton, 2010).

On the other hand, mediators who purposely and systematically reflect on practice could use other terms for what they do, such as reflection, self-reflection, self-assessment, self-understanding, or consciousness (Bronson, 2000; Friedman, 2015; McGuigan & Popp, 2007, 2012; McGuire & Inlow, 2005; Seibt, 2011). Picard and Melchin (2007) developed the "Insight" mediation model, which can arguably be described as a reflective practice model of mediation in which mediators encourage both themselves and parties to verify what they are observing and how they are interpreting it, through a series of testing questions (Picard & Melchin, 2007). More research is needed to identify mediators and trainers who may be carrying out modes of reflective practice under different titles.

Other authors have written more descriptively or explorationally about reflective practice with respect to the wider field of conflict resolution practice, not limited to mediation (Cheldelin & Warfield, 2004; Greiff, Bricker, Gamaghelyan, Tadevosyan, & Deng, 2015; Marsick et al., 2014; Whitehead, 2000), or more prescriptively such as Lederach, Neufeldt and Culbertson's toolkit on Reflective Peacebuilding (2007).

Finally, schools that specialize in conflict resolution, such as the School for Conflict Analysis and Resolution at George Mason University (S-CAR), my university, include Reflective Practice as part of their core curriculum for graduate students, indicating its centrality to scholar-practitioners. Not surprisingly, the syllabi in S-CAR for Reflective Practice courses vary considerably depending on the professor, showcasing once again the diversity of interpretations of reflective practice, and the ambiguity that still often accompanies its usage.

Despite these inroads to understanding reflective practice as it applies to mediation, there is still a dearth of empirical research about the impact of reflective practice on quality of mediation practice as judged by: colleagues, certifying bodies, institutions that hire mediators, clients, or mediators themselves.

Reflective Practice and Education of Mediators

In her article, "Teaching Mediation as Reflective Practice," Samantha Hardy (2009) makes a case that reflective practice needs to be normalized from the very start of mediators' education, because reflective learning is a perpetual need for any mediator. She notes that teachers need to not only facilitate reflective learning for students, but they need to model critical self-reflection themselves as part of their teaching. She gives a helpful example, including verbatim dialogue between teacher and student, of how such learning can be facilitated through role-play, a standard experiential activity in mediator training (Hardy, 2009). Hers, however, is a rare article; there is not much written about the use of reflective practice, or critical reflection, specific to mediator *education*. Much more is written about its use in actual practice (whether reflecting-in-action or reflecting-

on-action). Neglecting the development of a reflective orientation to teaching and learning mediation means that many trainings instead encourage imitation of expert mediators (Hardy, 2009, p. 395). The teaching in these instances is teacher-centered, rather than student-centered, wherein students are replicas or "containers" for teachers' expertise (Brookfield, 1998; Freire, 1986). The result, as Hardy notes, is "mere 'surface learning' and the student will be unlikely to use the demonstrated skill effectively in other appropriate situations" (p. 395). Lang and Taylor (2000) articulate the problem in more detail:

> [Mediators] are skilled mimics who apply techniques and interventions without fully considering the reasons behind the approaches, without understanding the likely consequences, without the ability to evaluate the success or failure of those interventions, and without the tools and resources to learn from each experience. (Lang and Taylor, 2000, p. xii)

These challenges constitute real handicaps in a practice that must be adaptable to the particular needs of each client. Current research by Peter Coleman and colleagues (2014, 2015) is focusing on adaptivity in conflict resolution practitioners. Findings focused on managers' handling of conflict in the workplace show that greater adaptivity in responding to conflict is aligned with increased satisfaction with conflict processes and with higher levels of well-being (Coleman & Ferguson, 2015; Coleman & Kugler, 2014). The early implications of this evidence for mediators may be that dogmatic loyalty to specific mediation styles (e.g., transformative, facilitative, narrative, etc.) is detrimental to the quality of their processes (Coleman et al., 2015).

Strict adherence to a particular style (unless that style dictates adaptiveness) may block a mediator's capacity to reflect critically about their practice and make changes demanded by a diversity of clients and situations. We will see later that reaching a level of adaptivity in practice is dependent upon an advanced stage of knowledge development where one can reflect on not only their practice, but also the processes by which one arrived at those reflections. In other words, mediators who can acquire an epistemological consciousness around their decisions in practice, are likely to be more open to trying and accepting new ways of practicing that could improve upon what they were originally taught to do. An openness to new experiences and worldviews is crucial in any person's learning process, which is why incorporating critical reflective practice skills from the very beginning of one's education is essential to growing one's practice, and by extension, improving the field as a whole. By extension, such deep levels of critical reflection can improve and evolve the field as a whole, making it more responsive to the needs of its day.

From a reflective practice orientation, "practice" is almost synonymous with learning. Because every case is different, mediators are constantly encountering new experiences that give them the opportunity for new learning. Psychologist Carl Rogers reminded us that learning is as natural a process as breathing (Rogers, 1951); with the endless diversity of human conflicts, we would be hard pressed to find mediators who stopped learning in their practice. Secondly, reflective practitioners are themselves also researchers, in the sense that they develop theories about their practice and pay close attention to the effects of their practice and to *how* they know the effects of their practice. Though epistemology has traditionally been the domain of academics, critically reflective

practitioners exercise the same consciousness, and cultivating the value for doing so should begin at the very start of their training (Hoshmand, 1994, p. 146).

Summary and Integration

Literatures in mediation and reflective practice provide thorough rationale for the use of reflective practice by mediators and mediation researchers.

Though there were high hopes for the growth of mediation, on the whole it has not lived up to the fruitful vision many had for it in the 70s and 80s, and solid literature about it has likewise waned. Much mediation research over the last several decades has been prescriptive or descriptive in nature, but has not contributed significantly to transformation and improvement of the practices. Among other suggested areas, mediation researchers have called for more research about mediator decision-making and causality in processes.

Most research responding to this call is quantitative, but these studies face important challenges, in part because of the wide diversity of mediator practices and interpretations. The lack of agreement about goals, best practices, and interpretations of commonly used mediator terms, make it difficult to operationalize mediator tactics in correlation with outcomes. Ideas of "good" mediation are highly subjective as well, and necessarily vary according to individual mediators' context, their chosen style, the parties' needs and preferences, and mediators' goals. Qualitative studies aiming to clarify *how* mediators themselves understand common terms, goals of mediation, their role and decision-making processes are a necessary foundation to quantitative studies that test hypotheses about the effectiveness of tactics. This project responds to the call for more

empirical research around how mediators make decisions in practice, by giving mediators the means – via reflective practice – to answer these questions for themselves.

Reflective practice is an act of reflection focused on "ill-structured or uncertain" problems, where there is no easy solution (Moon, 2004b, p. 5). Specific to this work, reflective practice is understood according to White et al.'s definition:

1. A process (cognitive, emotional, experiential) of examining assumptions (of many different types and levels) embedded in actions or experience.
2. A linking of these assumptions with many different origins (personal, emotional, social, cultural, historical, political).
3. A review and re-evaluation of these according to relevant criteria (context, purpose, etc.).
4. A reworking of concepts and practice based on this re-evaluation.

(White, Fook, & Gardner, 2006, p. 12)

Through this definition, "reflective practice" encompasses *reflexivity* (considerations of context, power and positionality) and *critical reflection* (the act of examining our pre-suppositions and changing our behavior according to new learning derived from that examination). Inclusion of these within the definition of reflective practice is important given the lack of diversity in mediator demographics,

Schön's conceptualization of reflective practice is apt for practitioners in that it distinguishes reflective practice from the standard techno-rational way that mediators and other professionals are trained. Schön and Argyris provide the single and double loop learning models in order to convey differences in levels of reflection, from reflection

on techniques to reflection on assumptions underlying practice. Critiques of reflective practice warn about the imprecision of its definitions and the inadvertent techno-rational nature of its descriptions and implementation.

As defined here, reflective practice is a means by which mediators can critically investigate their choices in practice, and thereby learn. This foundational literature prepares us for the next chapter on the mechanics of learning and development of epistemological foundations, two areas that are closely related to

Chapter 3 – Adult Learning and Knowledge Development

Basic mediation trainings in North America use a variety of pedagogical approaches, from lectures and demonstrations to a heavy dose of experiential learning activities such as active listening exercises and role-plays. However, the quality of the learning gained through these activities very much depends on the learning facilitators (e.g. instructors) and on the students' own conceptualizations of goals and processes for learning.

In considering how reflective practice can be supportive of mediators as they learn and grow in their practice, I am drawing from literatures on educational psychology, adult learning, knowledge development, and epistemic beliefs, areas that contain substantial insights about how people learn and think. While I had conducted an expansive literature review prior to beginning the fieldwork for this study, my experiences in learning within reflective practice groups moved me to expand further into the theories of personal epistemologies that ultimately became central frames for my analytic process.

Because reflective practice is a practice based on a theory of learning and practitioner epistemology, it is important to unpack the meaning of "learning" itself. By establishing clarity about the meaning of learning and how to identify when it is happening, we can better gauge the relevance of reflective practice with respect to facilitating the act of learning.

Defining Learning

The meaning of the term "learning," is easily taken for granted, because it is so commonly used in our daily life. However, as education and psychology literature teach us, learning can refer to a few different things, and precision in our terminology is very important as we aim to develop best practices for facilitating learning. For instance, learning can refer to collecting knowledge about something already known, as in the "banking" concept of learning renounced by Paolo Freire (1986). It can refer also to making meaning out of one's own experience or out of new knowledge, and finally it can mean testing ideas that are relevant to problems. Nowadays, educationists more often refer to learning as a "process" with developmental stages (Knowles, 1990), and as a constructivist phenomenon wherein ideas recreate each other, as in Moon's description of a "flexible network of ideas and feelings" in which old and new ideas affect and transform one another (Moon, 2004a, p. 17). Our "cognitive structure" is the conglomeration of these ideas and feelings, according to Moon, or "what is known" (p. 18). This cognitive structure determines the material, or content, to which we pay attention. From a constructivist view, "the process of learning is not, therefore, about the accumulation of material of learning, but about the process of changing conceptions" (p. 17).

Change in behavior as an outcome or as evidence of learning seems to be a common theme in all definitions, as well as interaction with the environment. Learning is largely connected with our interactions both with other people and external structures. For instance, Kurt Lewin's Gestalt theories of learning emphasized that learning occurred through changes in two forces: the structure surrounding the individual, and the

individual's internal needs or motivations (Knowles, 1990, Chapter 2). Understanding that learning is a social process means that collective reflection is as important for mediators as individual reflection about one's cases (Collin & Karsenti, 2011; Hoshmand, 1994, p. 136; Picard & Jull, 2011).

Learning through Schemas and Variations

The transformative characteristic of learning is akin to the change process described by John Dewey (1938) who saw learning as a pairing of old experience with new knowledge in order to formulate a new judgment about whatever is being experienced or observed. Psychologists talk about transformation of one's *schema* (Bartlett, 1964), one's cognitive structure or organization, synonymous with Mezirow's *meaning perspectives or frame of reference* (1990, 1997) and Deutsch's *psychological orientations* (2011). Schema, as defined by Hoshmand (1994) in her work about reflective professional psychology, is "a modifiable information structure that represents knowledge of the interrelationships between events, objects, and situations that we encounter" (p. 133). We view new experiences through the filter of our existing schemas. For efficiency's sake, our brain likes to rely on pre-existing or readily accessible schemas. However, dependence on readily accessible schemas, or automated processing, "does not allow us to engage in active perception and create new knowledge when needed" (Hoshmand, 1994, p. 134). The result is that practitioners sometimes formulate impressions prematurely, based on insufficient information. Reflective practice requires a high level of attention to these automated processes so that we might be more mindful of the blind spots they can create (N. Thompson & Pascal, 2012, p. 319). Through a reflective approach, a mediator would

be poised to receive what was not immediately known. A reflective mantra might sound something like the words of poet Margaret Wheatley: "Be intrigued by the differences you hear. / Expect to be surprised. / Treasure curiosity more than certainty… / Acknowledge that everyone is an expert about something" (*Turning to One Another* by Wheatley in Boyes-Watson & Pranis, 2010, p. 315).

The interaction of old and new experiences changes our schemas, and this change is what happens when we are learning. It could happen, also, that we sense no difference between our old and new experiences, or that we do not apply a new frame of understanding to a familiar experience, in which case we are *not* learning (Moon, 2004a). Moon calls this *variation*, or the difference between one's internal and external experience; detecting a variation is what motivates us to activate a learning process (e.g., slowing down, becoming curious, problem-solving). Variation may also take place internally only, even if the external experience remains the same (Moon, 2004b, pp. 26-29). Based on this definition of learning, we can say that mediators who regularly mediate similar kinds of cases, with same ostensible issues and relationships between parties, stop learning if they do not register variation from one case to another. Mediators who remain conscious of the differences in cases, however minute, will continue to learn from practice. Reflective practice would theoretically support mediators in noticing variations and deriving new meaning from them.

"Self-Learning"

Different ideas about the meaning of learning are important not only for teachers and researchers of mediation, but also for learners themselves and how they define their

own goals and expectations. As Knowles (1990) states about learning, “the way people define it greatly influences how they theorize and go about causing it to occur” (p. 10). This matters, as we will see, because the onus of learning, especially in the case of adults, is predominantly on the learner, where a teacher serves principally to *facilitate* the process (Carl Rogers in Knowles, 1990, p. 41). In his book, *Educating the Reflective Practitioner* (1987), Schön dedicated considerable time to the idea that learners ultimately cannot be *made* to learn. He includes a remarkable verbatim account of Carl Rogers articulating the moment he realized he could no longer “teach” anyone anything, and then offered following personal reflection from a professor friend who experienced the same epiphany:

> For [Carl Jung], education is what one does to and for oneself. Hence, the universal irrelevance of all systems of education…This view forced me to distinguish education from training: education – the self-learning process; training – what others make you do….What are educational systems (so-called) *really* doing? For example, law school, I discovered, primarily trains students to…think and talk the way the rest of the profession does. What is its educational function, then? (Thomas Cowan in Schön, 1987, pp. 92-93)

We can make the same distinction with mediators, who – based on my experience in the field -- are more trained than educated. Steps-driven training processes are used to teach mediators the mythical ideals of their practice, but they are subsequently set loose to find their own way in a mire of unexpected situations (Deborah Kolb & Associates, 1994, pp. 459–460). Mediation trainings take for granted that their trainees learn, but this assumption betrays ignorance about the meaning of learning, more aptly called “self-

learning." Trainers who focus on steps and skills overlook that trainees are at different stages of their knowledge development, and therefore their capacities for self-learning (for being self-motivating and critically reflective in their learning) will vary. Some will take all that trainers say and do as absolute truths about mediation, while others will have the wherewithal to meta-reflect on their learning and consider adaptive approaches to practice. Trainers need to have some understanding of knowledge development in order to facilitate reflective learning for adult mediators.

Adult Learning

Malcolm Shepherd Knowles, a well-known adult educator, popularized the term "andragogy" to refer to the specialized kind of learning that applies to adults, as different from pedagogy, which developed with the teaching of children in mind (Knowles, 1988). Knowles expanded on a number of learning needs specific to adults, but also acknowledged that they could apply to all ages and instead fall along a continuum of low to high dependency on externally directed learning. He notes that in the United States we tend to inappropriately extend pedagogy for young children into adult education. That is, we do not nurture the abilities for self-directed learning in our schools as early as we should (Knowles, 1990, pp. 55–56). The spectrum of learning needs changes as one gets older, so that by the time one becomes an adult, the following characteristics (as delineated by andragogical education) are true[4]:

1. *Adults need to know why they are learning something before undertaking to learn it.* This means

[4] It should be noted that Knowles was an American thinker, and therefore his studies reflected learning norms for North American adults. His observations may not be generalizable to adults in other parts of the world.

understanding its benefits and relevance to them. The first task therefore in any mediator training, is in heping learners become aware of why they are learning what they are learning.

2. *Adults have a self-concept of themselves as being responsible for their own decisions and lives.* The implication of this self-concept is the resistance to "programs," "trainings," or "education" that are interpreted as others imposing their will. Optimal mediator education does not posit learners as dependents and gives plenty of opportunity for choice in learning.
3. *Adults come into an educational activity with both greater volume and a different quality of experience from youths.* This implies that in any group of mediators, there is a wider range of individual experiences and greater diversity in terms of background, learning styles and motivations. There is also an understanding here that some of the richest learning resources for adults are found in their own experiences, hence the importance of experiential learning for mediators. On the other hand, more experiences also means that adults are likely to have more embedded habits that are hard to break. Another important point regarding past experience for adults is that they are more likely to equate their life experience with their identity (versus children who often utilize external markers for understanding themselves like where they live, their parents' jobs, etc.). Any training that fails to acknowledge mediators' own experiences risks essentially rejecting their identities, inadvertently creating either resistence or subservience to instruction.
4. *Adults become ready to learn the things that help them to cope effectively with real-life situations.*

This said, there are also ways to induce readiness to learn by exposing adults to new situations, models, or exercises that bring to light the things they need to learn in order to better cope. In the case of mediators, regular practice with real cases, very realistic simulations, or case studies, will yield the most meaningful learning.

5. *Adults are life-centered, task-centered or problem-centered in their learning,* versus being subject-centered (as children are often taught). This point harkens back to the importance for mediators to understand the immediate benefits and relevance of whatever is learned rather than learning because, say, one signed up for the course and must therefore accept everything that is given.
6. *The most powerful learning motivators for adults are internal,* such as job satisfaction, greater self-esteem or quality of life. Connecting mediators' learning to the achievement of greater internal satisfaction is a powerful driver for mediators in educational settings.

(Knowles, 1990, pp. 57–63)

Understanding the peculiarities of adult learning is helpful for emphasizing the value of reflective practice in the education of mediators. Many of the points above highlight the importance of self-reliance in learning, drawing from experience, and allowing for a richer heterogeneity in goals, background and learning styles. Reflective practice is an individual and collective activity in which a mediator can facilitate his or her own learning in the face of new experiences. Mediation demands an attentive, ongoing capacity for learning if it is to grow beyond its original formulaic forms.

Knowledge Development

Various stages of knowledge, or epistemic, development have been postulated by theorists since the latter part of the 19th Century, the psychologist Jean Piaget perhaps being the most well known of the cognitive development epistemologists. While his work dealt primarily with children, however (Piaget, 1952), my interest is in adult knowledge development. Here, I will describe ontologies of knowing that have informed theory making in the area of adult personal epistemology. Then, I will highlight epistemic cognition theories that serve as a base for later discussion about ways of knowing within our reflective practice groups.

Ontologies of Knowing

I find it helpful to introduce epistemic development theories by delineating their underlying presuppositions, or their ontological foundations. Hammer and Elby (Hammer & Elby, 2002) do a thorough job of distilling and problematizing what they call the "unitary" ontologies of dominant epistemic cognition theories, and of explaining why it matters to explicitly acknowledge the ontology underlying a theory of knowledge development.

Unitary ontologies of knowing. Recalling Knowles' statement that how people define learning "greatly influences how they theorize and go about causing it to occur," we can say that understanding personal epistemologies follows a similar logic. How we validate knowledge depends on our beliefs about the nature of knowledge: how you get it, what it consists of, and what makes it legitimate. Hammer and Elby (2002) point out that most epistemology belief researchers have presumed these beliefs to be

“unitary” and “essentially stable.” By unitary, they mean that individuals are thought to have or not have specific cognitive components. This understanding of epistemological beliefs leads to theories and measurement tools, such as Perry’s and King and Kitchener’s described later, where individuals are scored along a continuum of stages and assumed to be relatively fixed within those stages regardless of external context or learning activity. Further breaking down unitarity in the literature, Hammer and Elby note that unitary theories assume that individuals hold their beliefs “in the form of declarative knowledge to which they can have conscious, inarticulate access” (Hammer & Elby, 2002, eBook Chapter 9, section "Theories and Traits"). Similar to the difficulty brought up in Chapter 2 with mediators reporting about their espoused theories, research shows that individuals are not usually connected to their epistemological beliefs when asked direct questions about them outside of a context in which they would need to exercise those beliefs. Hammer and Elby analogize this problem through the humorous example of asking golfers when they are away from the course: “Do you inhale or exhale when you swing the club?” Likewise, Hammer and Elby state, many theories of knowing try to understand individuals’ epistemologies by asking them about general tastes and preferences, and by seeing epistemological beliefs as general traits that will transfer from one context to the other. Again returning to the golfer example, the authors state this is like “asking golfers about their techniques in other activities and using their responses to infer how they play golf” (Hammer & Elby, 2002, eBook Chapter 9, section "Theories and Traits").

Hammer and Elby point out that theorists who exercise the unitary way of

describing epistemologies would not likely defend if brought to their attention, yet failure to explicitly acknowledge it has dangerous implications. For one, it neglects efforts to understand the conditions or support processes by which individuals may progress along the epistemological spectrum.

Epistemological resources ontology. An alternative framework of knowledge development proposed by Hammer and Elby is a manifold ontology where individuals are assumed to have access to different epistemological beliefs depending on the context or frame in which they find themselves. They give the example of students in their Physics classes who come in expecting a blackboard lecture relaying absolute knowledge from an authority, but end up – with professors' support – understanding that their own ideas and experiences matter to understand Physics, and that debates are possible:

> This does not reflect a sudden, global change in their epistemological beliefs; it reflects a local change in the context of the classroom, which engenders in students a more productive epistemological mode.
>
> That this mode is available to students, even temporarily, implies that they have the epistemological resources needed to enter that mode. And adequate theory of epistemologies must account for those productive resources and for the contextual dependence of their activation. (Hammer & Elby, 2002, eBook Chapter 9, section "Reasons to Doubt Unitary Consistency")

Assuming that people can and do exercise different epistemological resources depending on context, activity or who is around to support them has important

implications for mediator learning and training, as I will discuss in Chapter 12.

Perry's Stages of Knowledge Development

One of the best known psychological studies about knowledge development is William G. Perry's qualitative study of Harvard undergraduate students. Perry used interviews to understand how these young adults developed in their conceptions of knowledge and of themselves as intellectual and ethical "knowers" over the course of their four years (Perry, 1970). He identified three main stages of knowledge development:

1) Stage One was characterized by a basic dualism in which students perceived a dualistic distinction between themselves and the world, and knowledge was seen in terms of polarities: "right and wrong," "black and white," "them and us." During this stage there was not much room for ambiguity, and students accepted knowledge from an authority (e.g., a teacher) without questioning.
2) Stage Two was characterized by a tolerance for multiplicity, where students realized that experts may hold opposing opinions, and that they too have a right to their own opinions. In this stage, students did not always feel subject to authority, and they sometimes prioritized subjectivity in order to reconcile personal conflicts in paradigms.
3) Stage Three, the final stage, was described as a mature stage of contextual relativism in which students understood that their opinions needed to be situated in a context, and that context is largely constructed. In this stage, students understood that the frame of reference applied to any knowledge

determines one's understanding of it. Perry also recognized that in reaching this stage many students needed to reconcile utter relativity by becoming "committed" to one side or another, and felt they had an ethical responsibility to do so in order to make decisions about how to act or think. (Hoshmand, 1994; Moon, 2004a; Perry, 1970).

Though Perry's research has been foundational for more contemporary research on epistemic development, it was limited to young white male participants in an elite institution, and therefore not representative or reliably transferable to other populations. Researchers since Perry, as we will see in the next sections, have broadened the gender, ethnic and cultural scope of studies about knowledge development.

King and Kitchener's Reflective Judgment Model

A more recent and pivotal theory of knowledge development comes from King and Kitchener (1994) who developed the *Reflective Judgment Model* to describe stages of epistemic progression. The stages identified by these authors are very similar to Perry's, beginning with Pre-reflective stages in which learners do not accept uncertainty or ambiguity well, and defer to an authority, moving on through Quasi Reflective stages in which they understand that uncertainty and different opinions are possible, and finally to the more advanced stages of Reflective Judgment, an awareness that knowledge is *constructed* and solutions to problems vary in their complexity. Subjects in these studies were observed tackling what the authors called "ill-structured problems" – that is, problems with no clear right or wrong answer – in order to understand the variations in their thinking processes. While King and Kitchener's study complements Perry's earlier

findings, the stages are teased out in more detail through sub-stages, and generally their work applies more suitably to mediators who are older and more varied in their life experience. King and Kitchener's study was longitudinal (15 years to the point of publishing, but ongoing after that), and its subjects were men and women of all ages. Another advantage to this study in relation to thinking about mediator knowledge development, is that it depended on *observation* of how individuals actually thought through particular tasks, rather than asking them to tell (in a meta-reflective way) about how they thought through those problems (King & Kitchener, 1994; Moon, 2004a). As highlighted earlier, over-reliance on mediator self-reporting for understanding decision-making in practice can be limited, depending on the mediator's own level of self-awareness.

The final stage of reflective judgment identified by King and Kitchener is also connected to the capacity for *epistemic cognition,* referring to the ability to think about how one learns and how one determines what knowledge is valid (Hoshmand, 1994, p. 148; King & Kitchener, 1994). Other scholars refer to this ability as one's *personal epistemology* (Hofer & Pintrich, 2002), and I will use both terms interchangeable through the course of this document. The stage of epistemic cognition or awareness of one's personal epistemology goes beyond basic *double-loop* reflection, in which we think critically about the assumptions that underlie our knowledge. Epistemic cognition signifies that we also think critically about how we think at all. This is a more advanced level of knowledge development for practitioners, usually relegated to the realm of advanced researchers.

However, in the same way that it is important for academic researchers to validate

their findings through describing the process by which they reached them, so too can conflict resolution practitioners. As elaborated in previous chapters, mediators are theorists, too, who – whether conscious of it or not – are regularly adjusting their theories according to experiences in practice. Mediators who take ownership for the process by which they draw their conclusions, exercise accountability in practice and consequently exercise more control over their choices. The next two frameworks for understanding personal epistemologies, women's ways of knowing and black feminist epistemology, are of special relevance for this project, since I rely on them for my primary conceptualizations of participants' ways of knowing. In relation to creating environments and teaching approaches that support mediator learning, it is important to understand the variety of ways that mediators make meaning through experience, and the ways they will subsequently make sense of their learning through reflective practice exercises.

Belenky et al.'s Study on Women's Ways of Knowing

In 1986, an important book came on the scene of personal epistemology studies called *Women's Ways of Knowing: The Development of Self, Voice and Mind.* I am dedicating more detailed time to describing its findings, not only because I perceived clear gender dynamics within our reflective practice groups, but also because "women's ways of knowing" are, in my estimation, in sync with mediators' espoused ways of knowing. The women who authored this study acknowledge that what they term "women's epistemologies" are *not* limited to women, but that there is a strong correlation between them and women (McVicker Clinchy, 2002, eBook Chapter 4, section "Issues of Gender"). Mediator trainings, in fact, make "women's knowing" the predominant mode,

in my experience. However, one's pre-existing epistemology, whether of men or women, may not be one of connected knowing. Further, even if "women's" or "connected" knowing is what is espoused in trainings, trainers may still teach in received knowing ways.

Women's Ways of Knowing study. *Women's Ways of Knowing* (WWK) was produced by four female psychology professors who distilled their respective research interests to a common goal of understanding how women's knowing differed from the "[white] male-dominated majority culture" whose conceptions of truth and knowledge have become the prevailing and acceptable ones (Belenky et al., 1997, p. 5). Their "pajama party model of research" brought the women together in "the women's way" by gathering for weekends or longer in one of their homes, where their identities as mothers, wives, and caretakers were invited into their professional spheres.

WWK and subsequent dissemination of its authors' research document not only the women's conclusions, but the process by which they arrived at those conclusions. They describe, poignantly, the extended act of "killing off the fathers," theorists like Perry who had so strongly colonized their ideas of valid cognitive development research. They also noted their success in securing funding as "four equal co-investigators rather than having one principal investigator in the traditional male academic model" (Belenky et al., 1997, pp. xii–xiv). The women's work together is a unique and underrepresented example of a model of research that gives primacy to women's ways of knowing within a context (institutions of higher learning) that has traditionally penalized alternative epistemologies.

Outcomes of WWK study. Through interviews with 135 women in academic institutions and what they called "invisible colleges," informal spaces of learning, Belenky et al. captured categories of knowing that differed from the stage model described by Perry. Rather than defining epistemological positions in the absolute, their research placed emphasis on "women's relation to knowledge and truth" as related to their conceptions of themselves (McVicker Clinchy, 2002, Chapter 4). They first captured the quality of *silence*, or voicelessness, that characterizes many women's experience in male-dominated spheres. McVicker Clinchy quotes Lewis & Simon (1986) to communicate this experience:

> Being muted is not just a matter of being unable to claim a space and time with which to enter a conversation. Being muted also occurs when one cannot discover forms of speech within conversation to express meanings and find validation from others. (McVicker Clinchy, 2002, Chapter 4 - digital version)

For our reflective practice groups, this phenomenon was important to consider for women's participation, whether my own or other women's, and particularly in the group that was half composed of highly educated white men. While I experienced my own version of silencing or self-censorship at times, however, I also observed men in our groups who were more silent, indicating to me that the group composition was also responsible for engendering trust in bringing one's voice forward (e.g., one's sense of confidence in relation to other experienced practitioners).

Through their interviews and analysis, Belenky et al. also identify the category of *received knowing*, similar to Perry and King and Kitchener's early stages of epistemological

development: the belief that "for every question there is a single, correct answer" (Belenky et al., 1997, eBook, Chapter 4, section "Received Knowing"). This category is characterized by binary thinking of right and wrong, true and false, and so on, without room for ambiguity; an authority determines the truth. Belenky et al. agree partly with critics of the received knowing conceptualization that in a western context, this way of knowing is often depicted as passive or childlike. In some cultural contexts, critics argue, being a received knower can have a positive connotation and may be proactively exercised by people with a high level of agency (section "Received Knowing").

On the other side of received knowing is *subjectivism*, similar to early or middle stages in Perry and King and Kitchener's models, meaning that validity is determined based on one's own experience, and equal – albeit indifferent -- value is given to all others' experiences. Subjective knowers claim no truth except their own, rely on "the heart or the gut" and are suspicious of information dealt out by an authority figure (McVicker Clinchy, 2002, eBook Chapter 4, section "Subjectivism"). We can recognize subjectivist knowing when a person says "I just knew that.." or "I got the sense that…", not uncommon phrases in mediation debriefings. In one of our reflective practice groups, we spent a considerable amount of time discussing intuition and how reliable it is as a way of informing our choices. Understanding when "intuition" refers to subjectivist knowing versus a result of repetitive procedural knowing helped to guide my thinking on that conversation.

Finally, the authors identify two kinds of *procedural knowing,* the kind of knowing that involves epistemic responsibility, where one does not take information as a given but

consciously follows a series of steps to confirm whether their claims to knowledge are solid. Within this category, they famously discuss two subcategories, based on the work of Carol Gilligan, *separate knowing* and *connected knowing*. As Belenky et al. explain in their book, Gilligan used these two categories to describe the conceptions or experience of the self, separate as apart from others and connected as in relationship with others (Belenky et al., 1997, p. 102). In WWK, the authors adapt their usage to types of procedural epistemologies.

Separate knowing, as the authors say, is easy to recognize in the halls of academic institutions; it is characterized by critical thinking or "the doubting game" (p. 104). It is playing "devil's advocate" to reach understanding, it means challenging the speaker as a form of due diligence. The authors note that many of the women who use separate knowing, most of them in higher education, did not enjoy it or feel it natural to their ways of speaking. However, they often saw themselves forced to engage in these ways to please professors or others who considered separate knowing as superior knowing. Again, not strictly applying the category to women, the authors say, "Although the process of learning can be painful, many students become adept in playing the academic game of separate knowing" (p. 107). In my experience, the act of reifying separate knowing bleeds out beyond academic environments, and generally constitutes a western white male way of knowing. It does not apply cross-culturally to other male populations. Our only male colleague of color in the reflective practice groups well exemplified this distinction.

Connected knowing is an extension of a subjectivist position but builds in a procedural consciousness. As Belenky et al. describe it, whereas separate knowers separate the

knower from the known, connected knowers are individuals who:

> …develop procedures for gaining access to other people's knowledge. At the heart of these procedures is the capacity for empathy. Since knowledge comes from experience, the only way they can hope to understand another person's ideas is to try to share the experience that has led the person to form the idea (Belenky et al., 1997, p. 113)

The authors refute the notion that connected knowing implies only the passive absence of evaluation, but rather insist that it requires active effort to "affirm" or "confirm the subjective reality of the other" (McVicker Clinchy, 2002, eBook Chapter 4, section "Connected Knowing Versus Subjectivism).

In relation to mediation practice, the connection here is likely self-evident. Mediators are, by and large, taught to be empathic and connected listeners, to work actively toward understand others' point of view and experience, rather than challenge or refute it. Mediation can be one of those contexts in which epistemological resources can be developed and accessed via trainings and mediator affinity groups, even for those individuals who are not prone to knowing in a connected way. While it is tempting to assign gender correlations to mediators' dominant epistemologies, in my experience the predisposition to be a connected knower lies more in one's cultural norms (family, professional, or ethnic) than in one's gender.

Collins' Black Feminist Epistemology

Given the ethnic and racial diversity of participants in my reflective practice groups, it was important to consider not just gendered epistemologies but also literature

about black and brown epistemologies ("epistemologies of the South"). Sociologist Patricia Hill Collins' seminal book about the intersectionality of race and gender, *Black Feminist Thought* (1999, originally published in 1990), has left a significant and ongoing mark on the study of black women's ways of knowing. Her observations and experiences with black women's relationship to knowing overlaps naturally with Belenky et al.'s work, but goes beyond to include the additional challenges encountered as a racial minority in the U.S. context. She characterizes black feminist thought as "subjugated thought," a form of thinking and knowing that has come about by necessity in response to the struggle against white male interpretations of the world (Collins, 1999, p. 251). She contends that African-American women have had to develop alternative ways of producing and validating knowledge, namely through: lived experience, dialogue, ethics of caring, an ethic of personal accountability, and an emphasis on womanhood (Collins, 1999). Collins anchors some of these ways of knowing in Belenky et al.'s ideas of connected knowing, the place of intersection. She points out (quoting Gwaltney, 1980) that black women grow "in a world where the saner you are, the madder you are made to appear" (p. 266), and (quoting June Jordan about black English, 1985), "our language is a system constructed by people constantly needing to insist that we exist" (Collins, 1999, p. 261).

Collins' criteria for knowing are relevant for understanding the participation of black and brown participants in our reflective practice groups, whose ways of speaking and listening were informed by lived experiences that were very different from others' in the groups. Likewise, her criteria apply to clients of color, whose theories of conflict sometimes clashed with that of mediators, leading to critical moments.

Summary and Integration

This chapter focused on defining learning and on describing frameworks of knowledge development to support our understanding of the varied ways adult mediators make meaning from their practice experiences. Understanding learning mechanisms and the different ways of knowing (personal epistemologies) that practitioners may exercise helps us ensure that the reflective practice methods we are using can accommodate a wide diversity of mediator learning needs. Furthermore, understanding learning and adult knowledge development of conflict specialists can help us adjust existing reflective practice methods to the specific needs of conflict resolution practitioners.

In this chapter, I uphold Dewey's and other educationists' definitions of learning as a process of transformation through the assimilation of old and new information. Learning is triggered through *variations*, or differences between one's internal and external experiences. Variations can also occur when there is simply an internally noted discrepancy in one's understanding from one moment to the next. This concept is especially relevant for mediator learning, because mediator trainings that teach new skills through formulaic, stage-driven instruction risk promoting habitual behavior, rather than the purposeful and adaptive behavior required in situations of uncertainty, as described in Chapter 1. Such trainings may stifle mediators' capacity and disposition for new learning.

Our reflective practice groups used a reflective practice method that focused on *critical moments,* or moments of unsettledness that indicated a variation was occurring for the mediator, and therefore an opportunity to learn was at hand. In Chapters 7 – 10, I

will specify and illustrate the kinds of critical moments, or variations, that arose for mediators and the learning they derived from them through a reflective process. Our reflective process aimed at what I denominate in this chapter as "self-learning," or self-reliance in learning. The greater the mediator's ownership over their own learning process, the more apt they will be to deepen into levels of critical reflection, wherein they can affect a change in their behavior. Changed behavior, especially when this behavior directly contradicts what one was taught to do, is another signal that significant learning has occurred.

This chapter also covered ideas about adult knowledge development, beginning with Knowles' work on andragogy (adult education), and later by highlighting several models of knowledge (epistemic) development. I described the stage-driven models of Perry and King and Kitchener that characterize knowledge development along a continuum of binary to more complex, or reflective, thinking. Then I delved into contemporary variations on these foundational models based on women's ways of knowing and specifically, the subjugated knowledge of black women. Seeing connections between *connected knowing,* as described by Belenky and colleagues, and the ways that mediators are encouraged to "know" when embodying the espoused values of the practice, I suggest that connected knowing is the type of knowing to which mediators strive and that reflective practice must support in amplifying.

Collins' black feminist epistemology speaks further to ways of knowing specific to the subjugated experiences of both mediators and clients of color. Ethics of care, lived experience and accountability, in particular, are detectable in mediators of color through

debriefing examples in Chapters 8 – 10. Given the disparities in demographics between mediators and clients discussed in Chapter 1, reflective practice groups in theory need to include a multiplicity of ways of knowing in order to prevent "blind spots" caused by missing perspectives.

This overview of learning and knowledge development literatures sets the stage for later analyses of reflective practice dialogues with colleagues. Next, I present the foundational literature for epistemological approaches to the research project as a whole.

Chapter 4 - Epistemological Foundations

In keeping with the nature of action research and reflective practice, this project has unfolded in emergent, cyclical and non-linear ways. While sifting through interviews and reflective practice group transcripts, looking for patterns, salient themes, and new theories about how mediators learn through the use of reflective practice, I realized I needed to delve more deeply into my epistemological assumptions before constructing meaning and conclusions from this learning experience. While I had an understanding of the epistemological foundations of action research through many books and articles, I took the process for arriving at them somewhat for granted, because they coincided neatly with my values. Attention to epistemological reasoning is the essence of critical reflection. I understand critical reflection as a form of accountability in practice, a means by which I can justify the claims I make. In true scientific form, epistemological grounding means I have taken pains to identify the *process* and *beliefs* upon which my outcomes are based. To me, this is the height of ethical research.

In order to do justice to my personal quest for epistemological grounding, I had to resume the literature review process to look more closely at knowledge development, in particular the identification and development of *personal epistemology* (Hofer & Pintrich, 2002). The fruits of this exploration are largely captured in this chapter, and constitute a foundational piece to everything that comes after.

Though this project's main thrust is the functionality of reflective practice as a learning approach for mediators, for me, the most compelling and revolutionary learnings have come through epistemological considerations. In deciphering my personal epistemology in order to clarify for myself a responsible method of data analysis, I recognized its immense centrality for understanding how participants in this project approached learning and knowledge cogeneration, and by extension, how fundamental this concept is to mediator learning. Rather than being a precursor to my analysis, it became the central frame for it.

Viewing our reflective practice groups' conversations through the frame of personal epistemology served as a crucial theoretical bridge to aid my understanding of multiple group phenomena in connection to the larger topic of reflective practice and learning:

- How participants approached learning and how they determined valid knowledge
- Changes in participants' epistemological stances indicating that a variation (see Chapter 3), followed by learning, had occurred
- Contextual and identity influences on one's epistemological orientations
- How different personal epistemologies affected one another through cogeneration of knowledge within a reflective practice group
- How reflective practice groups enhanced or inhibited consciousness of one's personal epistemology

A study on learning is incomplete without attention to personal beliefs about knowing. To the extent possible, by looking at our group dialogues, I attempted to decipher not just my own epistemic beliefs, but those of other participants as well, and subsequently to note the role of reflective practice in navigating epistemological differences between participants, or in navigating one's own epistemological shifts, thus indicating moments of learning.

This chapter will focus on my deliberations for arriving at the personal epistemology that guides the methods of analysis I chose. I enter into conversation with eminent and ageless epistemologists whose works helped me assimilate my own questions and beliefs: Habermas, James, Dewey, Hegel and others. Their works center on the philosophies that resonated most for me: interpretivism, constructionism and pragmatism. Finally, I connect these epistemological undercurrents to my chosen research approach: action research. In Chapter 5, I will expand more specifically on my selected methods, in line with interpretivist philosophies and the participatory ethics of action research.

Ultimately, as Hegel and Habermas assert, certainty about ontologies of knowledge (what can be known) is impossible to achieve, limited – as we are -- by our own faculties. These thought journeys depict an approximation, in line with my belief in a pragmatic orientation to knowledge: tools of knowing, such as theories, are provisional in nature. They are intended to bridge us to ever expanding fields of understanding, in a conceivably endless exploration.

Detecting and Developing a Personal Epistemology

Detailing my learnings in this project as accurately as possible is to ascertain a *personal epistemology* or *epistemic cognition*. That is, to determine how I define knowledge, how I evaluate it, and how I know that knowledge acquisition has happened (Hofer & Pintrich, 2002). In doing so, I fulfill my personal and professional responsibility to describe the beliefs and process underlying the claims I make.

In addition to my personal experiences in this project, literatures on epistemologies, learning, and critical reflection aid me in formulating a framework for validating the source and quality of my knowing. In the next chapter, I will detail my research strategy to guide the knowledge-generation process, founded on a practitioner epistemology. Here I will describe more explicitly a personal epistemology as it relates to my own knowledge claims as group participant and facilitator. Before that, however, I offer a disclaimer about why this process has mainly been my own in retroactive reflection.

In the two main reflective practice groups I facilitated, we dedicated time during one session to meta-reflect on epistemic questions. However, though an interesting conversation, I do not think I was successful in problematizing epistemic assumptions and supporting members in interrogating their means of knowing, or in feeling the need to do so without my prompting. I think this was in part due to the cursory time frame, and likely to my underdeveloped experience in facilitating a process of discovering one's own epistemic stance. Although the process of critical reflective practice itself leads one to identify why they believe one thing and not another about their particular choices in

practice, it does not necessarily carry one through to an explicit level of meta-reflection to identify epistemological beliefs. The knowing that has collectively come about within our groups thus far, as described in Chapters 6 through 10, is mainly at the level of single and double loop learning: assessing techniques and – when debriefing cases – identifying underlying assumptions and values.

Since our conversations in group remained largely at the level of case-by-case (situated) knowing versus naming the deeper anchor of epistemic cognition, I cannot claim to have sufficient data to know the personal epistemology of each participant. Nonetheless, I will make inferences based on my interpretations of colleagues' expressed realizations and questions. I hope that through our ongoing collaboration, group participants will become fluent in epistemological conversations, enough to identify their own stances as well as to offer suggestions for normalizing these conversations within our field. Having the capacity to do so enhances accountability, clarity and self-reliance in practice. It also supports teaching and replication of good practices.

For now, I can take responsibility for my process of understanding and will extricate new learning here accordingly.

What Can Be Known

I began my epistemic quest by turning to the ontological question of what can be known. Jürgen Habermas, who has inspired many philosophies of reflection, wrote in *Knowledge and Human Interests* (1972), that "absolute knowledge" cannot be contained, and anything we claim as knowledge is just one category of it, because the origin of our knowing or the ultimate means by which we claim knowledge, cannot be known

(Habermas, 1972, p. 8). He takes his lead in this claim from Hegel's critique of positivist ways of knowing, asserting that all epistemologies are necessarily caught in a "circular" process by wishing to claim a point of origin (*First Philosophy)*, but are yet "subject to our own pre-existing condition – the world we live in" (1972, p. 8). Any method of investigation, therefore, must acknowledge this tautological limitation, including the arbitrariness of its "first frame of reference" (p. 8). Habermas reproduces Hegel's apt description of this conundrum:

> What is demanded is thus the following: we should know the cognitive faculty before we know. It is like wanting to swim before going in the water. The investigation of the faculty of knowledge is itself knowledge, and cannot arrive at its goal because it is this goal already. (Hegel in Habermas, 1972, p. 7)

The notion that the world we live in is a pre-existing condition of our knowing is useful to this project, because participants exercised different *frames of reference* (Mezirow, 1990) to make sense of similar practice dilemmas, leading naturally to different ways of knowing. We tried to slow down our thoughts enough to arrive at a reflective mode of conduct, or as Mezirow defines it, to exercise "higher order mental processes" (Mezirow, 1990, p. 5) that might increase our epistemic cognition. Yet Habermas' argument makes sense to me, that despite our deliberate efforts, we cannot honestly claim full epistemic knowledge, given the ultimate invisibility of our cognitive faculty and further, of the *lifeworld* (Habermas,1985; Husserl, 1970) or *frame of reference* (Mezirow, 1990) in which we operate. These form "the water we swim in," making it difficult to separate the object

studied (our choices in practice) and the subject who is studying it (the lenses through which we see, subject to many internal and external formations) (Irvin-Erickson, 2018).

These foundational philosophies of knowing and the limitations of knowing support my decisions to opt for identity-based personal epistemologies, and interpretivist, pragmatic orientations to guide the research process. In short, I can know what *I* believe is true (through my own system of checks and balances), and what you tell me is true for *you*, but I cannot know what is true for *all*.

My Personal Epistemology

I have already given significant attention in the last chapter to ontologies of knowing and theories of epistemic development. These literatures bolstered my understanding of meta-cognition with respect to practice. Of these, I feel most aligned with epistemologies of *connected knowing* and *black feminist thought* as described by Belenky et al. and Collins. I also draw from Hammer and Elby's conceptualization of *epistemological resources*, to make sense of how context (including location and whom I speak with) affected our variable epistemic orientations throughout this project. Though I take context-based adaptation as a given being a cross-cultural, biracial and bi-ethnic individual, other participants – women of color, especially -- exercised the same adjustments, as far as I observed.

My personal epistemology of connected knowing influenced the way I facilitated reflective practice groups. I focused my efforts on understanding how groups and individuals made sense of their critical moments, based on their own experiences, backgrounds, and beliefs about conflict. I stayed away from imposing pre-established

concepts on myself or others, and tried to listen for what each of us was saying and sensing in the context of the given situation. In short, I tried as much as possible to use questions and reflections during debriefs that worked "from the bottom up," to use Schön's language, to understand what the participants understood.

In practice, what I did with colleagues in our groups was similar to the efforts for connected knowing that I use in mediation with clients. Here is how I explained it to one colleague:

> The idea is that we're doing for each other, as mediators, some of the same things we do for our clients, right? So, you were talking about getting clear and helping your clients to clarify. To get clear, [a reflective debrief] is meant to be *that* kind of support…to peel away the layers…I like to think of it as really playing "dumb mediator" in the sense that, I like to pretend like I'm an alien, and I really don't understand. Take nothing for granted. (Mediation Center Group, June 6, 2017)

As we will see in later chapters, my questions to colleagues often reflected this "alien new to earth" approach: "what does 'counterproductive' mean?", "how do you know something is relevant?", "what did the person *do* that told you she did not want to talk about it?", and so forth. In nudging my colleagues to articulate words they took for granted, the implicit became explicit, helping me to closer approximate seeing as they see.

Epistemological Foundations of our Project

This project rests on the foundation that knowledge about practice and for practitioners must be based on tested interventions rather than abstract theorizing. Because practitioners are do-ers, knowledge that is relevant to practitioners must be

actionable, it must have an effect in "the real world" of conflict related actors, rather than live in one's mind only. Understanding that the conceptual gap is normally wide between "theorists" and "practitioners," this project set out to link the two, recognizing the false dichotomy this distinction creates. Literatures around learning and expertise reinforce that responsible practitioners are adept theorists, and responsible theorists validate their ideas through testing them in practice. Specific to my needs as a researcher-practitioner, it was important that what our reflective practice groups experienced and discussed could be validated through a method that incorporated checks and balances, that we not take for granted our "conclusions" before taking them through an empirical process of verification. Critical reflective practice inherently takes into account an epistemic check, a questioning, "How do I know that this is true?" Although arguably, our groups mostly did not operate with this level of *epistemic cognition* when deciphering a given practitioner puzzle, as action researcher and facilitator, I was cognizant of it throughout. Given the diversity of reflective group participants, universal truths were not expected nor possible, rather what was "true" (what seemed like reliable knowledge) needed to be what was useful and sensible according to each individual or group, after undergoing a reflective practice process. Undergoing this process assured accountability in knowing, or what Belenky et al. call *procedural knowing*, an active process of discovery, versus a received or subjective approach involving minimal strain or effort (Belenky et al., 1997).

I will now turn to the pragmatist approach to knowledge generation, which seems most valid with respect to the study of mediator practice. Whether or not we are educated

about it, I would say most practitioners operate via some degree of pragmatist epistemology.

Pragmatic Orientation

Pragmatist philosophy is an important backdrop to my approach to knowledge generation in this project. Not only is it a foundational philosophy for action research, but it seems a clear articulation of a practitioner epistemology.

Pragmatism is an American epistemology often cited by action research scholars as one of its foundational philosophies. It was first put forth in 1878 by polymath, Charles Sanders Peirce, and two decades later was propelled by William James (James, 1907, 1995) and John Dewey (Dewey, 1905, 1938), who made their own adaptations of it. Dewey's pragmatism lies closest to what action research purports to uphold: the notion that ideas are useful insofar as they open the door to yet another new idea, but they should not be held up as ends in and of themselves. Pragmatists reject "pure intellectualism" or the act of thinking for thinking's sake. As James put it in *Pragmatism*, a collection of his lectures on the subject, "theories are true instrumentally" (James, 1995, p. 23). Dewey, who was an important inspiration for Schön's ideas on reflective practice, conceived of reflections as a way to bridge us from one idea to another for the express purpose of "[disposing] of a difficulty and [allowing] us to proceed with more direct modes of experiencing" (Dewey, 1903, p. 3).

James did much to amplify Dewey and Peirce's work, though neither was in full agreement with his interpretations, creating a diversity of pragmatic philosophies (to the point that Peirce changed the name of his to "pragmaticism"). To some degree, this

diversity made it more susceptible to criticism, and eventually to obscurity, when other philosophies like phenomenology, began to trend in the mid-20th Century. More recently, however, its ideas have made a comeback, with neo-pragmatists such as Richard Rorty (1981), and applied research styles like action research.

Highly recognized for his ideas on educational reform, Dewey believed that democracy, education and tangible experience were all interconnected, and that there should be no separation in public education between academic and vocational tracks. He was a strong proponent of the public's active involvement in problem-solving for social change, rather than relegating this role to elite outsiders. In his eyes, scientific research and democratic social action went hand and hand (Greenwood & Levin, 2007, p. 60). He conceived of education much beyond the confines of the classroom to encompass all of social life, which, as he saw it, is the equivalent of communication. In order for that life to thrive, reflection and consideration is required:

> Not only is social life identical with communication, but all communication (and hence all genuine social life) is educative. To be a recipient of a communication is to have an enlarged and changed experience. One shares in what another has thought and felt and in so far, meagerly or amply, has his own attitude modified. Nor is the one who communicates left unaffected…The experience has to be formulated in order to be communicated. To formulate requires getting outside of it, seeing it as another would see it, considering what points of contact it has with the life of another so that it may be got into such form that he can appreciate its meaning. (Dewey, 1916, pp. 5–6)

For Dewey, thoughts must be forged in action, not in speculation (Greenwood & Levin, 2007, p. 60). In clarifying pragmatism for its critics, he notes that pragmatists do not claim to work with direct presentations of reality, but rather representations or symbols, in the way a signature is not the person but represents a person and has an instrumental purpose. He considers "states of consciousness, sensations and ideas" as "tools, bridges, cues, functions" for "the purpose in hand and for that only" (Dewey, 1905, p. 325). Such a line of thought coincides with Habermas' assertion that we cannot ultimately grasp or depict absolute reality, given that we cannot fully know our original mode of knowing; pragmatists take this stance as a given and focus rather on the utility of knowledge fragments toward the solution of an imminent problem.

James, who regularly found himself defending the pragmatic concepts of Dewey and F.C.S. Schiller, an English contemporary, explained them thus: "ideas (which themselves are but part of our experience) become true just in so far as they help us to get into satisfactory relation with other parts of our experience" (James, 1995, p. 23). In our groups, we used ideas in this way, too, as bridges to new understanding, and did not purport to reach grand theories about our practice; our knowing was situated in the particular dilemma at hand.

Interpretivism, Constructionism and Constructivism

The interpretive methodologies maintain that our efforts are more reliably geared toward understanding how we understand, rather than attempting to grasp an elusive objective reality. According to Walsham (2006):

> Interpretive methods of research start from the position that our knowledge of reality, including the domain of human action, is a social construction by human actors. Our theories concerning reality are ways of making sense of the world, and shared meanings are a form of intersubjectivity rather than objectivity. (Walsham, 2006, p. 20)

Walsham speaks here to the social constructivist and constructionist aspects of interpretivist epistemologies. From the researcher's standpoint, a constructivist approach to knowledge-generation implies the capacity to have situated knowledge – knowledge that is locally specific – and to carry multiple standpoints and realities simultaneously (Charmaz, 2014, p. 240). A constructivist consciousness in research also demands reflexivity, as Charmaz (2014) points out in explaining constructivist grounded theory: "the ability to locate participants' meanings and actions in larger social structures and discourses of which they may be unaware" (Charmaz, 2014, p. 241). Doing so can protect us from reproducing standard ideologies, discourses, or power relationships (Charmaz, 2014, p. 241). Though the term *constructivist* is often used interchangeably with *constructionist*, the latter term captures the intention of thought pioneers, Berger and Luckmann, whose important book, *The Social Construction of Reality* (1966), first solidified this sociology of knowledge. *Social constructivism* is focused more on the psychological construct of individual meaning-making, while *social constructionism* focuses on the collective process of creating social constructs (Crotty, 1998, p. 58). Both hold central the tenet that clear and pre-existing cultural forces shape our (individual or collective) interpretation of information, at the same time that we are shaping those cultures in

return (Berger & Luckmann, 1966). Scholars who are concerned with not conflating the terms insist on clarity in their usage (Burr, 2003; Gergen, 1985).

With respect to this project, a social *constructionist* approach is more appropriate, given its focus on the *process* of socially constructed knowledge via reflective practice groups. Furthermore, social constructionism delineates that knowledge is inseparably tied to social action (Burr, 2003), also in line with an action research agenda.

Epistemological Pillars of Action Research

While an interpretivist epistemology makes sense in theory, it does not satisfy the problem-solving orientation of this action research project. The functionalist aspect of a pragmatist approach more fully defines the dominant intent of action research, while not claiming that knowledge can be fully known. In our reflective practice groups, not focusing exclusively on the meaning we made or how it was made, we emphasized the provisional utility of our conclusions in conformity with our values and goals.

Accounting for this research agenda, pragmatists like Dewey and James insisted that – yes - we must assess the grounds of our own beliefs (Dewey, 1910), but knowledge produced must also serve an instrumental purpose by producing a "concrete consequence" (James, 1995, p. 20), and this instrumentality is to some degree how we assess the validity of a theory, idea, conclusion and so on. For James, "the whole function of philosophy ought to be to find out what definite difference it will make to you and me, at definite instants of our life, if this world-formula or that world-formula be the true one" (p. 20).

Accordingly, action research theorists understand that knowledge produced by action research is considered provisional (Greenwood & Levin, 2007, p. 109). As investigators, then, our responsibility is in making a *process* by which to arrive at that knowledge, a process that is sensible and justifiable to *us* given the problems we are attempting to tackle. Reflective practice builds in the process by which we justify our knowing. Educational theorist, Jack Mezirow, puts it this way:

> If reflection is understood as an assessment of *how* or *why* we have perceived, thought, felt or acted, it must be differentiated from an assessment of *how best* to perform these functions when each phase of an action is guided by what we have learned before. Simply reflexively [reactively] drawing on what one already knows in order to act is not the same thing as reflection…
>
> Thoughtful action is reflexive but is not the same thing as acting reflectively to critically examine the justification for one's beliefs. (Mezirow, 1990, p. 6)

This distinction is representative of the levels of reflection used in our reflective practice groups, wherein we mainly discussed how best to reflect, and -- to a more limited degree -- the means by which we reflected on how best to reflect. Chapter 6 is representative of the former, and Chapters 8 through 10 will enter into discussions of the latter.

Summary and Integration

This chapter intended to ground the reader's understanding of the ontological and epistemological underpinnings to my work.

I first described my process in discerning a personal epistemology, or an understanding of what knowledge claims I can make, and how. Doing so is in line with my ethical commitments in research and practice to be accountable for my knowing and my choices. In order to do this, I must make efforts to understand the origins of my knowing, the influences on it, and its limitations.

Habermas' work (1972) guided my thinking around the ontology of epistemology by articulating a limitation that resonated for me: the ultimate means by which we claim knowledge cannot be known, because we are subject to our faculty of knowing (e.g., our brain, our consciousness, whatever one chooses to call it), whose reality eludes us. Seeking a "first philosophy," as epistemologies attempt to do, therefore becomes a circular process from which we can never fully escape. Our *lifeworld*, or the "water we swim in" also makes it impossible to ever claim absolute knowledge. In other words, thinking about how we think still does not resolve the problem of where thinking comes, nor does it innoculate us from the undetected influences of our cultural and structural norms. These truths are perhaps silently taken for granted in all forms of research, but I believe they are important to acknowledge as much for oneself as for those with whom we wish to communicate our knowing.

Understanding this ontological limitation in epistemologies, separate knowing comes into question as the most reliable way to claim knowledge. Given that all knowledge is subject to external influences and the limitations of our faculties, I find the most honest way to investigate others' means of knowing is through their own filters as

well. It makes sense then to exercise a connected knowing that attempts to see what they see (while remaining conscious that I will never fully see what they see because of my own filters). Interpretivist research orientations allow flexibility for exploring a question from multiple angles. Because our work was carried out in groups, constructivist and constructionist orientations to knowing are relevant. In particular, my analysis of our work in groups focused on the *process* of co-generation of knowledge through reflective practice, versus individual meaning making, thereby emphasizing a constructionist orientation.

Having worked out that absolute knowledge is elusive and always only partial, what is the use of pursuing it? In this project, where mediators tackled concrete problems they faced in practice, a pragmatic orientation answers this question. Pragmatism regards ideas, feelings, theories, models and so on, as means but not ultimate ends. They are like branches on a tree of knowledge; we hang onto one in order to swing closer to another, then let go of the last and move onto the new. All the while, we are climbing more and more of the tree, but we will never inhabit the full tree at once. James (1907), one of the early advocates of pragmatism, stated that "theories are true instrumentally." Dewey (1905) affirmed that the material of knowledge (ideas, sensations, etc.) was meant "for the purpose at hand and for that only." Through a pragmatist view, it is impossible to become wholly attached to grand theory, or hypothetical claims. We test, add and discard ideas, as in a traditional process of scientific inquiry.

Pragmatism is a foundational philosophy for action research, my chosen research approach in this project. It emphasizes that knowledge is provisional, but what legitimates

it at any given moment, is our capacity to trace its evolution in our mind. Reflective practice supports one in critically examining "the justification for one's beliefs," as Mezirow put it. Through critical reflection, research participants and I will have done our due diligence given the inevitable limitations to our understanding.

Chapter 5 – Research Strategy and Process

This chapter provides a detailed description of what are standardly called *methodology* and *methods*. However, I agree with action researchers Greenwood and Levin (2006), who consider the conventional usage of the term "methodology" as too imprecise and often divorced from values (2006, p. 90). Though multi- or inter- disciplinary researchers may use the term more loosely, in its strict sense, methodology is defined as a set of methods, rules and presumptions belonging to a particular discipline. Because I am not working within a traditional discipline with a compendium of habitual methods, and because I *do* invoke values as guides for methodological choices, I find it useful to borrow Greenwood and Levin's (2006) terms -- *techniques, work forms* and *strategy* – that get more precisely at what this chapter is about. Research *techniques* refer to the many tools and methods at our disposal as social scientists (for me, these included non-"academic" methods, like facilitation skills). *Work forms* refer to the formats, participant compositions, and general ways of linking these techniques within the project. The *research strategy* is the orchestration of techniques and work forms to create an overarching approach consistent with our values and epistemological positions (Greenwood & Levin, 2007, pp. 90–91).

Again, because this project does not fit squarely into any discipline, I cannot take research process choices for granted (arguably neither should conventional disciplines!), so I have attempted, via the last two chapters and this one, to be transparent about the

reasons and values behind these choices, in addition to the difficulties encountered in implementing them.

Work Forms

I start by describing work forms, because having an understanding of our reflective practice group format will aid in envisioning how we used our techniques.

The predominant work form for this project was the reflective practice group (RPG). This constituted our *learning arena*, the space we created to debrief and explore practice choices and assumptions together. Our learning format was dialectical, the preferred mode for an action research project, allowing for cogeneration of knowledge via regular social interaction.

In addition to the RPGs, other work forms were: group calls to reflectively debrief over the phone, one-on-one in person or phone debriefs, and listening to shared audio recordings from our sessions.

Reflective Practice Groups

Three RPGs participated in this research project. I will refer to these as "Mixed Group," "Workplace Group," and "Mediation Center Group." The Mixed Group and the Workplace Group met six times during the data collection phase, and the Mediation Center Group met twice during this period. However, all three groups have voluntarily decided to continue meeting to varying degrees. In the case of the Mediation Center Group, participants decided to request that the center staff implement reflective practice more systematically within the center, and have held a couple of meetings to plan an implementation/integration process through 2018.

Recruitment and group compositions. I placed two email calls (see Appendices A and B) for participants in the central mediation listserve of approximately 3,500 members in a large northeastern region. One call was for individual participants and another was for workplace participants. I also reached out to community dispute resolution centers in this city to gauge their interest in participating. Although I conducted interviews with additional mediators who had been interested in joining the reflective practice groups I formed for this study, in the end we were a total of 16 participants, including myself.

The Mixed Group was the most diverse of these groups, in terms of group composition: ages, levels and years of experience, ethnicities, past professions, settings in which they practiced and conflict resolution modalities practiced (e.g., facilitative mediation, conflict coaching, restorative circles, etc.) We were split evenly between men and women, and the three people of color (including myself) in the group were women. With the exception of a younger man, men in this group were characteristic of majority mediator demographics: white, older (above 50), highly educated, middle or upper income levels (Advancing Dispute Resolution, 2013).

The Workplace Group was composed of three men and three women (including me). Three of us were people of color (one male and two females). The Workplace Group also included the executive director, who participated virtually seamlessly given the high comfort level between him and the staff. The power position he held did not seem to adversely affect discussions; staff spoke sincerely about their struggles and laughed regularly with him.

Finally, the Mediation Center Group was composed of three volunteer community mediators who met twice for reflective practice sessions and have subsequently met twice with their Training Coordinator and me to discuss integration of reflective practice methods into the daily norms of the mediation center and its trainings. This group was added subsequent to the other two, because this mediation center responded late to the call for participants, and while I did not want to start a new group altogether, I offered the chance for one-on-one reflective debrief sessions, or for a couple of group sessions. Interested mediators opted for the latter. This group, despite the limited meetings, yielded rich discussion very quickly, thanks especially to one participant who was already a deeply reflective practitioner. "Ted," as I call him, practiced Buddhist meditation emphasizing mindful presence in all aspects of life. This practice, as we will see in Chapter 9, gave him the language and attitude to consider his interventions slowly and deliberately. Speaking with him attuned our group to non-linear, non-rational forms of reflection that worked toward a similar end of raising consciousness.

In general, most volunteer participants throughout all the groups seemed to be naturally thoughtful in their practice, even if not practicing a structured form of reflective practice. In the next chapter, I will go into the various ways that individuals interpreted "reflection" for themselves. Though the approach and goals of this project dismissed quantitative measurements or statistical correlations, I would venture to say that most participants who answered the call of the study were already reflective individuals in their work or other parts of life, hence their attraction to this project.

Format of reflective practice groups. Each reflective practice group session was scheduled for two hours. We commonly did not start at the top of the hour, because of informal catch-up conversations between colleagues while waiting for those who were running late. Though agendas varied from week to week, the general sequence of our conversations kept more or less to the following format:

- Open sharing about reflections that came up over the prior month, drawing from journals or memory, via case work, audio recordings or conversations with colleagues
- Reflective Debrief of a case followed by discussion about the debrief
- My introduction of a new concept (e.g., "What is learning? How do we define it?")
- Plan for next meeting's logistics (e.g., meeting place, date change if necessary)

Location. Groups met in different places. The Workplace Group met at their office, around a small round table. The Mediation Center Group met at their mediation center, also around a small round table. The Mixed Group, however, mostly met in a luxurious law office conference room in a skyscraper around a long rectangular table. This last location contributed, I believe, to creating a more formal and detached atmosphere amongst Mixed Group participants. I say this, because one month we met in another location, a university classroom where tables could be moved, allowing us to sit closer to each other. The proximity and informality of the room – in my estimation – made a positive difference in the comfort and trust levels of our conversations. This is, of course, my impression only, and reflects my preference as a non-corporate person who

feels out of her element in a male dominated "suit-and-tie" environment. It is possible others in the group found it exceedingly comfortable.

Because the Mixed Group location was offered by one of the participants, I did not feel comfortable directly addressing the "appropriateness" of it in group sessions, given the difficulty of finding good, free meeting space in our city. In retrospect I would make the decision around meeting location a communal one, based on identified shared values of participants. Whereas I had originally planned for our group to meet at a female colleague's home (albeit also fancy, but a home nonetheless), we had to change this plan at the last minute when, due to a family emergency, she had to pull out of the project.

Group phone debrief. On one occasion, the Mixed Group met on a conference call during the lunch hour to debrief one of our co-participants' cases. This was the alternative when we did not have time to debrief the case in person. Although most found it less than ideal, it was still a useful exercise to try out, and of course, gave the participant being debriefed a chance to discuss his case rather than wait until too much time had passed and details were forgotten.

One-on-One debriefs. A few participants took me up on the offer to be debriefed separately one-on-one. These sessions lasted an hour and were also in service of lessening the amount of time that passed between the case connundrum (critical moment) and being able to work through it.

Techniques

In this project, we (and sometimes just I) used three categories of techniques: facilitation, data collection, and data analysis. Some techniques were used over all three categories.

Facilitation Techniques

The benefit of being a conflict resolution practitioner who is also a researcher was that I already had significant experience in group facilitation prior to starting this project. In mediator-speak, I fall on the *facilitative* or *transformative* end of the style spectrum, meaning that I see my role in facilitation as one who supports others in arriving at their own decisions, and avoid inserting my own agendas (e.g., opinions, desired outcomes, leading questions). For ease of writing, I will conflate facilitative and transformative facilitation into the label "non-directive facilitation," with a strong caveat that the two are actually very different in practice, and -- especially for transformative practitioners – purists in either camp would push back heavily on that conflation. As a mediator, I would comfortably say that I use transformative mediation techniques the majority of the time, leaning heavily on reflection (highly engaged mirroring), summarizing (synthesizing conflict dialogue), and check-ins (often used when an individual is non-verbally or indirectly expressing resistance, discomfort or negative affect). Occasionally, I use more standard facilitative techniques of structured agenda-building, or appreciative inquiry, where I am necessarily exerting some level of steering (albeit gently) toward bringing parties closer together in their goals. Having these skills at my fingertips was helpful for facilitating group conversations in our reflective practice groups. I found it natural to

make openings and invitations for participants who had less to say, to prevent any speaker from dominating, to reflect back and validate people's contributions, and to structure our meetings in ways that gave everyone a chance to participate.

Challenges of positionality. Despite my long mediation and facilitation experience, my role in these reflective practice groups was very different from the usual third-party facilitator with no personal investment in the outcome. I was in fact quite invested on multiple levels that manifested in various positionalities: a doctoral student with a dissertation to complete, an action researcher with a genuine interest in improving conflict resolution practice, a practitioner with well-established opinions about what makes "good" practice, and a colleague with professional if not personal connections to group participants. Unsurprisingly, balancing and reconciling these positions while at the same time facilitating group discussions proved challenging. In switching "hats," neither fellow participants nor I were always clear about my role, and thus how to relate to one another. I noted these moments especially (elaborated more in upcoming chapters) when participants asked me for permission to express a thought that came up for them, when they were sheepish about not writing in journals, or when I felt self-conscious in offering my own opinions and experiences (a sacrilegious act in my usual facilitation mode). I remember one debrief I will discuss later where I became very interested in a discussion about addressing race in mediation, and I impulsively broke out of my facilitator role to deliver a long reflective monologue on the subject. My fellow participants seemed silent afterward, with only Ted offering, "Those are all good questions," in response. I realized

then the effect of changing hats, spurring me to think of ways to either set the precedent of my many roles, or enhance the transitions from one role to another.

Although action research scholars and, more widely, interpretivist epistemologists, unfailingly highlight the complexity of navigating one's multiple positionalities and the importance of utilizing a reflexive lens throughout one's research (Herr & Anderson, 2015b; Walsham, 2006), the literatures do not offer much by way of specific techniques to handle this difficulty. For instance, Greenwood and Levin (2006) rightly warn action researchers about the dangers of what they call "communicative domination," similar to Brathen's "model monopoly" (Greenwood & Levin, 2007, p. 97), when a researcher's skills of academic debate or intellectual conceptualization increase the power gap between "insider" and "outsider" with their participants. The authors do not offer clear guidelines or models of how to avoid this pitfall, however, other than to assert that "skilled action researchers develop the ability to help articulate and make sense of local models and are sure they are well articulated in the communicative process" (p. 97). How is this ability developed? I have found that similar skimming over the *how* of facilitating action research groups is common in the literature, and I hope that this project will provide at least some of those specifics for action researchers struggling with similar questions.

Other than contributions from my committee members, the most support I received in working through challenges of positionality came from my department's Action Research Workgroup, where we frequently tussled with questions of role and power in our respective projects. I was able to share with others the discomfort and

occasional confusion I felt being an "insider" (e.g., colleague, former co-worker, mentee) stepping into a more standard "outsider" (researcher) role, then sometimes switching back to "insider," and sometimes deferring her authority and sometimes asserting it. Colleagues in the workgroup, whether directly or indirectly, supported my process by validating my challenges within a framework that normalized action research and upheld its commitment to erasing the researcher-subjects divide.

Data Collection Techniques

The main data collection methods employed in this project were: reflective debriefs, roundtable discussions, interviews, journals and audio recordings. The data collection component of this project lasted approximately seven months. I met monthly with the three reflective practice groups through an action research approach. Together, we collaborated in a process of co-inquiry about the application and utility of reflective practice for mediator learning. In addition to reflective practice groups, individual interviews were held toward the beginning and end of the seven months. Because all three groups have chosen to continue meeting, there has been no definite end point to our work together, and even though initial findings are being documented at this time, more will surely surface, especially for the organizations who are attempting to implement reflective practice into their work cultures.

Reflective Debrief. As our reflective practice process, I chose to use the Reflective Debrief (sometimes called "Case Consultation") a method developed by Michael Lang and Susan Terry (Lang & Arms Almengor, 2017; Lang & Terry, 2013). It was important to begin with an established method, rather than starting from scratch,

given that participants were new to reflective practice and benefited from having a concrete illustration. This method was both structured and flexible enough to experiment with in a group, and was also developed specifically for mediators. It was also in line with, or at least allowed room for, possibilities of critical reflection.

In order to learn more about RPGs, I reached out to Michael Lang, author of *Mediators in the Making*, the first practitioner-geared book for mediators that dedicates substantial time and justification to reflective practice. Michael was responsive and interested in supporting the project. He ultimately became an important guide in helping me conceptualize the set-up of the reflective practice groups, sharing with me his best practices for running groups and subsequently providing a reflective platform for me to work out doubts and challenges. With my advisor's suggestion, I ultimately included him as a "participant" on the International Review Board (IRB) application, in order to allow him access to the group recordings like other participants, thus giving him a rich inside look from which to provide me with feedback. He also participated as a guest via Skype in two of the groups, Mixed Group and Workplace Group, giving other participants a chance to ask their own direct questions about the reflective debrief process after having experienced it for a few weeks. In the spirit of action research, wherein all members of a practice community have access to the same information to the extent this is possible, it was important that all group members have access to Michael as a resource while carrying out our collective work.

Michael was instrumental in giving me a sense of what issues may come up in a reflective practice group, and just the same, I found some differences in how I carried out

the work with respect to his approach. These were partly due to our different agendas with respect to the Reflective Debrief. Michael was coming from a place of promoting the use of an approach, where I was coming from a place of experimenting with this approach as one tool for testing the effects of reflective practice. In other words, I was not committed to its adoption to the same degree. That said, as an introduction to reflective practice, the guidelines accompanying the Reflective Debrief gave us a solid platform from which to begin our work together in the RPGs.

Reflective Debrief relies heavily on values held dear by many mediators: supporting parties in arriving at their own solutions, being non-judgmental about party choices, not attempting to "get" the party to see or agree to a viewpoint, and not clinging to our own notion of "right" outcome. In the Reflective Debrief, the "parties" are the mediators wishing to work through a puzzle or disquieting moment in their case, while reflective debriefers support them in discerning for themselves the quality of their interventions as well as the motives and influences underlying their choices (Lang & Terry, 2013, p. 23).

For our first few sessions, I served in the role of reflective facilitator for the three groups. That is, I led Reflective Debrief sessions in order to model the process. Subsequently, once the process was clearer, other group participants took turns being the reflective facilitator. Mediators took on their own styles and approaches to the process, and these differences were discussed along with the particular puzzles that surfaced in their mediations.

Reflective Debrief is a prime example of a hybrid practitioner-research method. It served three purposes: first, it was the means by which we investigated our choices in practice (a practice tool); secondly, it was the subject of our investigation; and thirdly, it was our main research method for collecting information.

Roundtable discussions. In addition to debriefing cases, in our groups we spent significant time talking about the debriefs and general topics that surfaced as a result of them. I refer to these as roundtable discussions, though they were still part of the same monthly reflective practice sessions. Though after a few months, the two main groups seemed more keen on debriefing cases than on discussions about debriefing or meta-reflection on practice, some degree of free conversation was necessary to make sense of what we were learning.

In the beginning of the fieldwork especially, it was important for me to introduce the concepts of reflective practice and action research and to open space for questions and discussion about the project as a whole. The types of questions co-participants asked when hearing these definitions formed part of the data collected, and gave me insights about preconceptions or expectations coming into the groups. Roundtable discussions also took place immediately following a debrief in order to "debrief about the debrief." In general, groups had a natural flow between debriefs, semi-structured and unstructured conversations, the latter occurring at the beginning, end and during the mid-session break (around snacks and drinks). Semi-structured conversations occurred usually "in-session" while we discussed a case or aspects of mediation practice or the field that most intrigued us. While semi-structured discussions followed a general pre-set order on my agenda, I

ceded spaces for them to bubble spontaneously. Doing so alleviated the tension and seriousness of a structured format, made space for others in the group to take ownership in the direction of our learning process, and gave me insights about what mediator challenges were most important to my colleagues.

Interviews. I interviewed all participants by phone or in person prior to or soon after the beginning of our reflective practice group sessions. In addition to an exchange of basic information about the project and each other, these interviews served to build familiarity and some level of trust, especially with co-participants who were new or newer to me. These opening interviews were semi-structured, centering on questions about the participant's background, mediation training, practice philosophies, and challenges and transformations over the evolution of their practice.

Toward the close of our project, I also made an effort to interview participants, though it was not possible to do all of these exit interviews in person or on the phone, so several were conducted (with IRB consent) over electronic questionnaire. Ultimately, however, because of the anonymity in the questionnaire, I decided to give everyone the opportunity to answer the questions, thus also allowing me an easier way to organize participants' answers surrounding particular areas. In-person and online closing interviews asked participants about their experience of being in the group, their current definition of reflective practice, their opinions about the utility of reflective practice, and about their sense of ownership over different aspects of our group (e.g., meeting location, topic choices, length of time spent on an activity, etc.). Because I was clear about

particular input I wanted to inform my writing, closing interviews were structured to focus those areas of input. See Appendix K for questionnaire.

Journals. At the outset of our groups, I gave a blank journal to all participants, urged by the guidance of mentors and action research literature that highlights the benefits of learning journals within a co-inquiry process. In the journals, I included a prompt card with seven "Post-Session Inventory" questions inspired by Lang's book, *The Making of a Mediator.* These questions were meant to support mediators in reflecting upon a mediation session after it is finished, and started by asking the mediator to "describe the critical moment" (See Appendix F). Although there is much literature to back the use of journals as a learning aid (Moon, 2006) in our groups, they did not play a central role. I believe there is more I could have done to enhance their usage by modeling or advocating for journaling as an attractive and beneficial habit, but I opted not to. There will be more on this, and my co-participants' thoughts on journaling, in the next chapter.

Audio recordings. I audio recorded all group sessions and interviews and transcribed all recordings myself or through a transcription service. In the spirit of participatory action research, all group participants had access to group recordings, and as we will see in the next chapter, these were ultimately useful supplements to our meaning-making, because they gave us an opportunity to listen again, differently and at our own pace. "Double debriefs," as I call the debriefs via audio recordings, brought up new thoughts we had missed the first time, or conversations about the debrief method itself that helped us consider its efficacy or alternate approaches.

Data Analysis Techniques

Following the data collection stage, I input audio, notes and transcriptions into NVivo qualitative analysis software to identify salient themes as related to: types and levels of reflection, shifts in understanding ("aha moments"), differences in the ways individuals spoke about their practice (hints about their epistemic cognition), ways in which participants responded to one another's learnings, and participants' reflections on the Reflective Debrief process as well as the utility of reflective practice in general.

Constructivist grounded theory. Literature on constructivist grounded theory and coding (Charmaz, 2014; Saldaña, 2015) supported me in the initial review process. While an action research approach does not dictate methods, the emphasis on choosing "a sound and appropriate research methodology," as Herr and Anderson put it (2015b, p. 67), implies that methods chosen need to uphold the principle of democratic knowledge-generation, or cogeneration. Grounded theory is synchronistic with this principle by not imposing preconceived categories for which to code, but rather allowing the participants' voices to surface these categories (Charmaz, 2014). As conceived by its originators, Barney Glaser and Anselm Strauss, grounded theory is an inductive form of theory-building (Glaser, 1992). Since the inception of it in the 1960s there have been many debates and factions claiming best grounded theory practice, with the differences lying within their foundational epistemologies (e.g., objectivist – interpretivist continuum), and most of these differences manifesting in the methods of coding (Evans, 2013).

I chose the interpretation of constructivist grounded theory by Charmaz (2014), who views the method as a social action of constructing knowledge with others. As she

puts it, “whether you judge a specific study to be constructivist or objectivist depends on the *extent* to which one tradition or the other informs its key characteristics” (Charmaz, 2014, p. 235). Constructivist grounded theory is based on the assumptions that multiple realities exist and are affected by the observer’s values and positions, among other factors. The representation of data are “problematic, relativistic, situational, and partial” (p. 237). Coding within a constructivist grounded theory mode, one acknowledges subjectivities, considers co-constructed data the start of the analysis, and seeks to represent participants’ views and voices as integral (Charmaz, 2014, p. 237). For a constructivist grounded theorist, “the theory depends on the researcher’s point of view; it does not and cannot stand outside of it” (p. 239). In reflecting on her own research, Charmaz elaborates:

> There was no doubt in my mind that the constructed truth was idiosyncratic and that any other researcher going on the same journey was bound to discover another truth. And, if so, what was wrong with that? Were these formulas and scientific-sounding, objectifying terms simply remnants of a time when qualitative inquiry needed justification in a positivist-dominated environment – or did they stand for an epistemic inconsistency in the method itself? (Charmaz, 2014, p. 238)

Similarly for me in this project, I was not coding to discover an unassailable theory about how mediators learn. My methods of data analysis needed to reflect the multiple realities of participants. The *only* unequivocal reality, as far as I now believe, is that whatever analysis comes out of this is subject to my interpretive lens, and would be different through another’s.

Coding. Through Nvivo, I coded transcripts first for overarching themes, such as "participant behaviors," "participant interests," "my facilitation," and so on. I kept annotations (like notes in the margin) to later formulate into conceptual memos and start to detect overarching patterns in the social interactions between participants. I sometimes replayed parts of recordings in order to get a richer view of non-verbal communication through voice inflections, pauses, types of laughter, hesitations, and so forth.

In an effort to avoid the common phenomenon in grounded theory studies of findings being more descriptive than theoretical, I followed Charmaz's guidance for inductive constructivist theory building by re-coding the dialogues based on what participants were *doing*, rather than by themes or topics. I focused on the case reflective debriefs and their subsequent discussions, as well as on the semi-structured meta-reflections about reflective practice to hone in on *how* mediators were expressing their questions and understandings. Noting that in discussion, we volunteered our voices in select ways, with select people, and about select topics, I became more interested in what these choices said about the possibility of learning within our reflective space (our "learning arena," harkening back to Greenwood and Levin).

I noted, for instance, that consciousness of racial injustice was predominantly introduced by participants of color, like "James" who honed in on the daily struggle of clients, or "Sherry" who intimately understood the lived trauma of the young people of color in the high school where she practices. I also noted that white participants in the Mixed Group were usually the ones to volunteer their voices first, like "Craig" who almost always kicked off a lively topic of conversation. I noticed that my voice and

confidence were stronger when speaking with a woman of color, like "Evelyn," than when speaking to my white male mentor. I noticed, too, the moments of vulnerability in the groups, when mediators were bashful to come forward with a case, or when they deferred to other colleagues, like "Stan" and "Heather" who sometimes minimized their ideas, and asked for advice. These and many more observations became suddenly very salient under the lens of "What are we *doing* with one another in this space, and *how* are we doing it?" Asking these questions yielded rich data toward learning how we mediators learn in reflective practice groups.

Collective data analysis. I would be remiss in characterizing my individual post-group reflections as the only times data analysis occurred. The very act of reflecting on our choices in practice was a form of collective data analysis, and so were the times when we listened to recordings of ourselves together (the "double debrief") and discussed critical moments and the debrief itself. "Data analysis," in so far as it means making sense of our work together, also happened frequently during informal moments such as riding the subway train or chatting before or after sessions about our reflections. These moments, especially, were valuable for understanding the more unfiltered thoughts of my colleagues (and myself), and though not usually audio recorded, a few of these conversations yielded important shifts (variations) in my own experience of the group and what we were learning together.

Research Strategy

As seen in Chapter 1 and the last chapter, both my personal epistemology and the unique and practical needs demanded by the study of practice and practitioners, steered

me to *action research* as the right approach to guide my research strategy. The techniques and work forms I used in this project while working with other participants emphasize mutuality of learning (all participants transform through learning), cogeneration of knowledge (participants work together to co-construct learnings), and the creation of *learning arenas,* spaces that kindle that mutuality and cogeneration (Greenwood & Levin, 2007, p. 92).

Establishing Validity via Action Research

It is important to note that an action research approach does not dictate a set of methods, unlike some other methodologies. It can range from quantitative to qualitative; the key aspect of action research is that whatever method is chosen be undertaken *with* or *by* those affected by the research outcomes. The collaborative nature of the approach is referred to as *democratic validity* by Herr and Anderson who propose a set of action research validity criteria which were useful in guiding this project (Herr & Anderson, 2015, pp. 61–82). Below, I will expand on the questions I asked myself in gauging how successful we were in upholding these criteria.

- *Outcome validity* – Did the study fulfill the outcome desired? Was there a resolution of the problem that spurred the study? In our case, have our RPGs created tools, mechanisms and understanding that have helped us be more critically reflective about our practice and more effective in its application?
- *Process validity* - Are the methods used appropriate for generating the knowledge needed? In our RPGs, was the Reflective Debrief a useful knowledge generation

tool along with the many other methods listed earlier: roundtable discussions, interviews, audio and journals.

- *Democratic validity* – Is the research done in collaboration with all parties who have a stake in the problem under investigation? In this study, the question is whether I acted collaboratively in my research approach with mediators who stand to gain from the incorporation of reflective practice into their work.
- *Catalytic validity* – Are the participants in the study reorienting themselves and their understanding of the reality in order to transform it? For this project, did participants experience a notable effect from their experiences within RPGs and were they able to feed their newfound understandings back into their individual practice, or into our collective RP practices, in order to improve their utility?
- *Dialogic validity* – Can the research (methods, evidence and findings) be validated through a wider community of practice? For this study, to what degree is research carried out in collaboration with not only those who conform to democratic validity, but also outsiders who can "check," be it through peer reviewed journals, "critical friends," or simply challenging conversations within the community of practice?

I will address these questions in Chapter 11 where I summarize meta-reflections from participants, including my own learning about the implementation of an action research dissertation with mediators.

Summary and Integration

This chapter concludes Part I, "Foundations" by describing in the detail the techniques, work forms and overall research strategy implemented in this project. I started by detailing the work forms we utilized, or the ways in which we worked together to generate new knowledge. The Reflective Practice Groups (RPGs) were our primary work forms, in which the two main groups met monthly for two hours to debrief cases. The groups were composed of mediators of all different ages, levels of experience, backgrounds, styles of practice, and settings in which they worked. Other work forms were phone or in-person debriefs, either as a full group or one-on-one. During our RPG sessions, we also occasionally listened to audio recordings of past debriefs, a way to go back in time and review not just the particularities of the case, but also the process of reflecting.

I used non-directive facilitation techniques to run this group, leaning heavily on reflection (mirroring), summarizing (synthesizing conversations) and checking in (with participants who said less). As a professional mediator and facilitator, these techniques came naturally. More difficult were the challenges in positionality, given my many interests in the outcomes of this project from the point of view of my own practice, my dissertation project, my professional and personal ongoing relationships with parties, and my responsibilities as a group leader and facilitator. I lament that there is not more concrete guidance in the action research literature about *how* to navigate the awkward tensions of multiple positionalities, given how frequently these surface.

The Reflective Debrief, a structure for reflective practice developed by Lang and Terry (2013) constituted our main data collection technique. The process provided a roadmap for our groups to begin the exploration of reflective practice via critical moments, or moments of unsettledness in practice. Through this approach, we supported one another in ways parallel to the ways we support our clients in mediations, by active listening as the debriefee leads the exploration of their dilemma.

Other data collection techniques included roundtable discussions about general topics, less specific than critical moments. Journaling was also an option to record reflections, though many mediators did not take advantage of these. Finally, I audio recorded all sessions in order to capture content, and these recordings had the extra benefit of facilitating "double debriefs" where we listened to a debrief and reflected a second time on the critical moment or on the mechanics of the debrief itself.

For data analysis, I relied heavily on coding transcribed dialogues through a constructivist grounded theory approach that centered on the social construction of meaning among participants. Rather than code strictly by themes or topics, I listened for what participants in the group were *doing* at any given moment, *how* they were doing it and with what intention. Our groups' debriefs and roundtable discussions also served as data analysis in the moment. Since practitioners were essentially researching themselves in practice, much of the analysis happened in the groups; my own reflections were socially constructed in dialogue with my colleagues.

Finally, in this chapter, I further familiarize the reader with action research as my research strategy, by presenting the criteria for validity, as conceptualized by Herr and Anderson (2015). These criteria are in line with the pragmatic and constructionist philosophies I covered in Chapter 4 which are foundational for this project. I summarize the criteria again below with a sample question to illustrate:

- *Outcome validity* – Was there a solution to the problem?
- *Process validity* – Are the methods used appropriate for generating the knowledge needed?
- *Democratic validity* – Is the research done in collaboration with all parties who have a stake in the problem under investigation?
- *Catalytic validity* – Are the participants in the study reorienting themselves and their understanding of the reality in order to transform it?
- *Dialogic validity* – Can the research be validated through a wider community of practice?

Work forms, techniques and strategies clarify the *how* of this project. I now turn to Part II, the learnings we derived through these research activities.

PART II – LEARNINGS

Overview

The following sections constitute what under more traditional research frameworks would be termed "Findings" but which I am calling "Learnings" to distance us from the idea that these are finite conclusions at the close of an experiment. The work, as elaborated in the last chapter, is ongoing. The upcoming chapters represent three sections:

1) Collective reflections about the practical aspects of carrying out reflective practice groups (Chapter 6)
2) Critical learning moments and reflections on this project thus (Chapters 7 – 11)
3) By tying the first two together with relevant literature, ways that our reflective practice groups enhanced or inhibited mediator learning (Chapter 12)

For clarity's sake and reading ease, I delineated these reflections in part along the lines of levels of reflection, as discussed in Chapter 2. Chapter 6 deals primarily with *single loop learning* (Argyris & Schön, 1974) moments, wherein we are commenting on the technical aspects of reflective practice groups, such as the format of the groups and the particular debrief method we used. Chapters 7 through 11 focus on double loop or critical reflection and reflexivity, via six types of reflective debriefs that we regularly saw in our groups, and drawing on closing sessions with participants. By recording my

reflections in tandem with the debriefs, I highlight the behaviors or words that led to shifts in understanding for either the debriefer or the debriefee. Finally, in Chapter 12, I present a summary of the meta-reflections from Chapters 6 – 10, and discuss the implications of these observations for the use of reflective practice groups in mediator learning.

Needless to say, there is no one-size-fits-all to reflective practice, just as there is no one-size-fits-all to mediation or any other practice. Although some ideas carried more weight than others for more participants, it is impossible to make uniform statements about participants' experiences, without risking inaccurate representation. As discussed in the last chapter, generalizable outcomes are not the expectation of this project, or indeed of any action research endeavor, but rather getting clear on the situated knowledge of these three groups. We undoubtedly hope that our discoveries will be of use to other groups, but this does not eliminate the need for them to be tried and tested according to borrowers' own settings and particular circumstances.

A Note about the Writing

Once again, because action research is an emergent approach to research, it bears noting that this project is not finished. As such, what follows is an outtake of ongoing work with mediators attempting to integrate reflective practice into their work, and to make sense of its use. The subcategories listed below are to help us organize our thinking, but these do not mirror the ways in which we discussed these topics. Naturally, the conversations were non-linear and topics surged in response to connections made through our exchanges with one another. To the extent possible, I try to present the learnings in a

narrative form, with regular transcription of participants' contributions, in order to convey the evolution of discovery or exploration that led us to moments of learning. Learning, as discussed in Chapter 3, meant those moments when new and old information or experiences combined to form a new understanding, and hence a new way of acting (whether internally or externally) as a result.

Any participant named used is a pseudonym, in order to protect their confidentiality at this phase of the project. If in future, group members wish to co-present or co-author findings, this may change, but I alone am responsible for this writing, I am committed to omitting names and specific identifying details.

Chapter 6 – Learnings about the Mechanics of Reflective Practice Groups

Reflective Practice Tools and Techniques

Reflective Debrief

As described in the last chapter, our reflective practice groups (RPGs) began their investigation of reflective practice methods through the Reflective Debrief, a process developed by Susan Terry and Michael Lang (Lang & Terry, 2013), in which mediators ask one another curious questions similar to those they might ask a mediation client, in order to help each other navigate their moments of uncertainty. Guidelines from Susan Terry were used at the outset (see Appendix E), but over time in discussing the benefits and challenges of this particular process, we considered different ways in which the debrief might be improved or adjusted to individuals' needs. While discussing the practices of RPGs, we also compared our experiences with other case debriefing groups (whether or not these were strictly called "reflective practice groups").

The following is a summary of salient discussions encompassing our learnings about the specific mechanics of the Reflective Debrief (RD) process.

Who debriefs whom. At the outset of the project, I intended that all group members would have the opportunity to practice being debriefed or being the debriefer in adherence to an experiential approach for knowledge generation. To various degrees, all group members have had this opportunity. More time is needed to give more meaningful

practice to most. However, the debriefs conducted, as I will showcase in subsequent chapters, yielded rich micro and macro reflections related to important recurring challenges for mediators.

During the first session, after spending the time necessary to explain the project, reflective practice and action research, I modeled a reflective debrief for our group by debriefing one participant's case, while everyone else observed. Given the high levels of self-awareness in members of all groups, I felt comfortable in the following sessions to share the reins of debriefing and encouraged others to either debrief a case entirely or chime in after I had started us off. Because the Reflective Debrief was a new process for me as well, I emphasized that I was also learning how to do it and that there was no "right" way to go about it. Over time, as more of us practiced and witnessed it, we discussed the utility of the RD format and questions we still had about its use.

Most participants preferred getting debriefed by only one person from beginning to end, versus individuals in the group taking turns asking them questions. The consistency of having one person ask questions allowed for greater settling into a train of thought and a person-to-person connection that made for a richer experience. As one participant put it,

> If you're talking to one person, in that moment the two of you fall into relation to one another in a way that does not happen in a group. And when that happens, for one, I think it amplifies or deepens the experience at both ends. The other thing I think, and this is supposition or I'm hazarding a thought here, is that in that relationship it's actually easier for the person who's receiving the story to

really hear the speaker if it's one on one. What I mean by "hear" is hear where there are uncertainties. (Mixed Group Participant, September 11, 2017)

Others agreed that the experience of having a focused conversation about critical moments in practice was best carried out in partnership with one other person, but that the benefits of being a witness to the exchange were also important in order to share the learning.

Though one-on-one "fishbowl" style debriefing is how most participants preferred to be debriefed, when it came to being the debriefer, many participants preferred taking turns asking questions, likely because this alleviated the pressure of asking "right" questions, given the initial performance anxiety in trying out the debrief approach in front of colleagues. Despite my emphasizing repeatedly at the outset that there was no "right" or "wrong" in how people debriefed, given that we were all learning and experimenting, most initially hesitated to volunteer. Debriefing seemed more precarious than being the one debriefed (being debriefed is usually thought of as the "hot seat"). This was especially true for participants in the Mixed Group where individuals were newer to each other with less time for trustbuilding. I will highlight moments of vulnerability during reflective debriefs in Chapters 8 through 10.

Content of sessions. In Chapter 3, I detailed the general outline of our RPG sessions, though naturally the order and length of discussions or debriefs varied according to felt needs of the group. One of our challenges was in having sufficient time for the RDs, because the general conversations about practice (versus about a critical moment in a particular case) or about the group, were engaging enough to take up much of the two-

hour session. These conversations seemed important to build connection among us, especially since we only met once a month, but they detracted from using the process per se. Very often, we prioritized the conversations about practice, whether because of my or others' natural interest in broader conversations, or perhaps also to delay the discomfort of debriefing scrutiny and effort. We interspersed conversations about practice, process and the group throughout all of our sessions, though the midpoint and the last session of my data collection were dedicated to meta-reflections in order to share more deliberate feedback about the effect of the group. In both the Workplace and Mixed Group, we also dedicated one session to a Q & A with Michael Lang, one of the developers of the Reflective Debrief. Groups felt that it would be helpful to understand the origin of the process and ask more particular questions about its usage.

In closing sessions and interviews, many participants noted that the conversations about practice were equally important as the debriefs themselves, in part because these alleviated the tension of the "microfocus," as one participant put it, or because they gave us the satisfaction of connecting the critical moment to a larger frame or phenomenon.

In the critical learning chapters, we will see a few examples of case debriefs that naturally transitioned into meta-conversations about things like: reliance on intuition, race-related conflicts, or the use of reflective practice itself.

Other Session Formats

In addition to debriefing in person, a few individuals took advantage of debriefs over the phone, when time was too short during the in-person sessions or in the midst of working a challenging case. Although the option was better than the alternative of not

debriefing with anyone, most in the Mixed Group agreed that the phone debrief should be avoided if in-person was at all possible. In the words of participant, "Paul":

> I think so much of communication is not contained in words, but is ancillary in affect, tone, posture, gesture, that doing a debrief by phone, it's almost a different modality. If I were to take a position on that, I would say a poor and less rich modality" (Mixed Group, 7/16/17).

In reflecting with a fellow participant whom he debriefed, Paul concluded that he would not have been as useful had he not been in person to observe her responses. Another participant, "Rita," noted that "time together in person, facing someone, just has a lot more dimension to it than telephone. Yet if it's a choice of doing something by phone or not doing it at all, the phone can be useful…It's not the optimal format for anything interpersonal" (Mixed Group, 7/16/17). Finally, other participants observed that they simply enjoyed the in-person sessions for the camaraderie component. In my case, I did not feel that phone debriefs detracted considerably from meaningful debriefs, and for my sensibilities, it may even have been a better medium, by forcing a focus on words and intonation. For me, fewer stimuli contribute to a greater sense of connection to the substance of what is said. For others in the group, however, having access to individuals' full modes of expression was more vital to their interpretive process.

A few participants also wished to debrief their cases in between the monthly sessions. Three chose to do this as separately scheduled in-person meetings where I debriefed them, another two chose to have separate phone conversations with me – one to prepare for a challenging case, and the other to debrief the first session of conflict

coaching with a client, because she was new to the process and wanted support in thinking through her intervention choices.

It bears noting, too that participants who knew one another or worked in the same place debriefed each other separately from the RPG, and mentioned the relevance of the reflective debrief, though not strict adherence to it. In the Workplace Group, for example, "James" and "Robert" told me at one of our RPG meetings that they had thought about me and reflective practice while they were talking about a critical moment in their case, and "Craig," from the Mixed Group shared how he had called "John" in order to work through questions about a case. A couple of participants also relied on the Post-session Inventory Card or their journals to carry themselves through a reflective exercise.

Journaling

During the first RPG session of each group, I handed out notebooks to use as learning journals for participants. Much literature in reflective practice points to the value of journaling as a way of clarifying our understanding and processing doubts and questions (Moon, 2006). Mentors in this project, from professors to Michael Lang, also suggested it would be a useful exercise, both for data collection and to support individuals' own reflection processes. In passing out the journals, I emphasized that they would also serve a practical use in helping us recall thoughts and questions that arose over the month between our sessions. Inside each of these journals, I also included a pocket-sized "post-mediation inventory" card, homemade and modeled after an inventory questionnaire in Lang and Taylor's book (2000, pp. 139–141). I intended the cards as prompts for journal

entries, and to alleviate the potential specter of a blank page. The prompts on the card were:

- Describe the critical moment
- How did you respond internally and externally?
- What intervention options did you have?
- What factors influenced your decision?
- What was the purpose of the intervention you chose?
- What alternative intervention might you have chosen?
- What would have been its purpose?

Although I had hoped that journals would be of support to practitioners in reflecting on their practice, it was perhaps an unrealistic expectation given that I myself found it difficult to journal in the years when I was actively mediating, for reasons articulated by some of my co-participants. Suffice to say here, most participants did not journal and pointed to a lack of time as their main reason, with some adding that there was insufficient motivation for them to develop the habit of doing so. Based on closing questionnaires, here are some participant reflections on why they did not journal over the course of this project:

- "I've never really been drawn to [journaling] and there wasn't anything in this process that changed or enabled me to overcome my resistance. I do find conversation and debriefing really useful and I will continue those" (Mixed Group participant, closing interview, February 15, 2018).

- "Journaling is always difficult for me. It is something I really enjoy (in a lot of arenas) but I never make quiet time for myself to do it. I think if I had already had a practice of journaling, it would have made it an easy transition to journal for reflective practices" (Mixed Group participant, closing interview, February 23, 2018).
- "I did not journal as often as I would have liked. I think it has to do with the challenge of forming a new habit - writing after a mediation. Also, my struggle to put my own thoughts/feelings about myself into written words is frustrating at times" (Workplace Group, closing interview, February 27, 2018).
- "I did not journal as it all felt so new to me, and I didn't really understand what exactly I was doing. I am an experiential learner and doer, so I prefer to immerse myself in the practice and reflect afterwards. I am more likely to journal once I get into a good habit of doing reflective debriefing" (Workplace Group, closing interview, March 5, 2018)

For the few participants who did journal, the tendency was pre-existing, so it did not feel like an additional duty as it seems to have for other busy practitioners. Those who journaled did so for a variety of reasons. Paul said that when he journals, it creates a finality to his thought process: "When I think of something, my thinking continues to evolve over time. When I write something, my thinking tends to end with the writing" (Mixed Group, February 15, 2018). During another session, he expanded that journaling had felt more useful when enacting a party in conflict during a role-play, as a tool for relating more fully to clients: "I want to capture the impact of my reaction to what I did a

little bit as a party because this is actual information…it's informational from the people we work with" (Mixed Group, September 11, 2017). "Mark" from the Mixed Group, shared that journaling was for him "a memory aid" in looking back at a case (September 11, 2017).

A couple of participants stated that the post-session inventory card was useful and thought they would continue using it, or a similar questionnaire, in order to spur reflection either on their own or with co-mediators. "Sherry," for instance, said that it would have been helpful to keep the card on her mind, but she "kind of got away from it maybe two or three months [prior]." She observed that historically journaling had been useful for her both for memory, but also because "sometimes in writing, things come up that you didn't put together as an observer or participant" (Mixed Group, September 11, 2017).

Overall, not journaling was a cause for some amusement in the groups, and banter about it took the theme of students who failed to do their homework as the teacher had asked, betraying the teacher-student relationship I may have inadvertently created, despite my efforts toward shared ownership. During the final meta-reflection group sessions, while there was mutual acknowledgement that journaling was not a priority for most, participants shared alternative means of arriving at the goals of journaling that were more in sync with their learning preferences: calling a colleague, letting time pass to allow reflections to percolate, or journaling "in my head," as Paul put it (Mixed Group, September 11, 2017; Workplace Group, September 22, 2017).

Audio Recordings

Again, in keeping with the democratization of knowledge that action research seeks to engender, it was important that all co-participants also had access to recordings of our sessions or of their individual interviews to support their individual and collective learning process. I shared a password protected recording of each session, available for one month, with all group members. This sharing served two purposes: 1) To allow us to meta-reflect on our discussions and reflective debriefs, and 2) for anyone who missed a session, to catch up with what they missed.

Although participants ran into the same challenges with audio recordings as with the journaling -- a lack of time or strong incentive to listen – these recordings served useful roles on the few occasions they were used. For individuals who missed sessions, they provided a means of reintegrating into the group without feeling "out of the loop," and also a way to contribute to the rest of the group despite their absence. On one occasion, I replayed the RD from the first session for two participants who had missed it, in order to engage their questions and feedback in real time. That meeting yielded new valuable insights from them that had not come up in the original session debrief with the other participants. Similarly, Michael Lang, who listened to a couple of our sessions prior to speaking with the groups, was able to come into each group with a sense of participants' knowledge and interests, and a better grounding from which to engage the group.

Double debrief. Finally, we used audio recordings in a "double debrief" way, by playing back audio while in reflective practice session in order to reflect on our

reflections. In one case, we did this when we had not had sufficient time to discuss the RD in our previous meeting. The debrief about the debrief, in listening to the audio, was especially rich in that it brought out new clarifications and realizations that had not surfaced during the original RD, in the sense of giving an additional layer of reflection opportunity for both speaker and listener about the critical moments in the case and about the style of reflection that was practiced.

For example, during the review of one of the debriefs covered in Chapter 8, two colleagues were able to talk about what was happening for each of them at specific points in the audio. While the bulk of the conversation about the debrief, after listening to the audio, was between the two of them, ultimately all of us participated by asking questions and offering our own reflections. Together we discussed interpretations of particular words, such as the difference between "teach" and "inform" and the moral implications of each for the debriefee (Mixed Group, April 23, 2017). We also talked about the strengths of debriefer's approach, which – while not adhering strictly to the RD model – worked well for the debriefee, and helped to give her clarity through a moral dilemma she was encountering about her intervention choice with a client.

Another participant and I also used audio recording of one of my debriefs as a tool for discussing moments of difference in our chosen interventions. In other words, as he had listened, he had had different instincts about what questions to ask the debriefee and when. The conversation that surged as we listened to the audio was also recorded, allowing for another "double debrief" experience that helped both of us get clearer about

the reasons underlying our choices, or to simply hear the debriefee's words in a new light and reconsider our espoused interventions.

One of the main benefits of reflective practice, as described in Chapter 2, and validated through the RPGs in this project, was in having the opportunity to slow down and cycle our thinking. Audio recordings gave us a chance to do this more than once. Inevitably, with every new visit to the critical moment, more openings, questions and realizations surfaced for participants, each unique.

Video Recordings

Although we did not use video recording in this project, due to the monetary, logistical and psychological burden of it (e.g., performance anxiety in front of a camera), it bears noting that some participants suggested video recording for RDs themselves. Video would enhance our reflections by tuning us into non-verbal expressions, and would be especially supportive of those who depend more heavily on visual cues for connecting to another's perspective.

Mission Statements

The mission statement exercise I offered our groups was inspired by a group participant who had crafted a mission statement for himself in order to clarify his mediator identity, beliefs about conflict, and purpose in practice. In my early experiences with the reflective debrief, I recognized the utility of asking individuals to connect their perceived role and purpose to the choices they made in practice. Mediators were able to articulate that purpose with varying degrees of clarity and precision. Some were more vague, citing a purpose of "supporting parties" and others, like "Ted's" mission statement

example below, were more specific. I gave the prompts for crafting a mission statement in a handout with the following:

<u>Crafting a Mission Statement</u>

- I identify myself as a ______________ mediator.
- I believe that conflict is__________________.
- I believe that conflict does ________________ to people.
- I believe that people in conflict are striving to ________________________.
- My primary goal is to________________________.
- I believe that parties are (the only/ the primary/ one of the) agents of change in the room.
- My principal interventions are ________________.
- Indicators that I have carried out these interventions well are____________________.
- I avoid using interventions that____________________.

The second part of the handout included the sample mission statement from the mediator who inspired the exercise (See Appendix I). This was an exercise that I left to choice, in the same way journaling was a choice, and my impression is that most did not take the time to complete it. The ones who did were already keenly aware of their role, and perhaps needed it less. One of the takeaways for me in this, as with other aspects of our work together, is that there need to be strong external incentives for practitioners to

get into the habit of active reflection, and lacking these, the path of least resistance easily becomes the norm. Ted was one of the mediators who was already very diligent about active reflection in practice, in part because he was retired and had the luxury of time. Here is his mission statement in response to the exercise, modeled – with some adjustments – after the prompts. As we will see in Chapter 9, Ted's sense of purpose was very relevant to his decision-making assessment during a critical moment:

- I identify my role as mediator as one who facilitates both communication on personal and interpersonal awareness. (Ted noted that he changed the original wording of "I identify as a ____ mediator." Labeling himself in this way did not resonate, because of its unidimensionality, and he preferred to denote himself according to his role.)
- I believe that conflict can be…disagreement about what happened in the past or… disagreement over what should be going forward and/or a way to resolve an issue and create a "see through" perspective to something organic and new.
- I believe that conflict can be harmful or beneficial to people.
- I believe that people in conflict are striving to…: solve a problem, communicate, listen, understand, be heard, be right, prove a point, find justice, react to or bring up another deeper conflict, form, reinforce or alter identity, create the contours of a relationship, not listen or understand, protect the position, manipulate others, counter despair, and/or cry for help.
- My primary goal is to facilitate "aware communication."

- I believe that the parties are primary agents of change in the room. My principle interventions are those that encourage personal and interpersonal awareness in any and all participants at the table. Indicators that I've carried out these interventions are that the parties understand their own positions and where they come from, as well as the positions of others and where they come from. I avoid using interventions that offer or lead to my favorite way of framing and investigating the conflict or my favorite outcomes.

  (Mediation Center Group, August 7, 2017)

A mission statement like the one above affirms a mediator's espoused theories. Though mediators, like all people, in practice do not practice all that they preach, noticing the differences between their espoused theories, as discussed in Chapter 2, and their theories-in-use is a way of reinforcing deliberate practice. In the Critical Learning Moments chapters ahead, we will note several moments of contrast between a mediator's espoused theories and their theories-in-use. Mission statements support mediators in bringing those differences to consciousness.

Mediation Reflection Tool for Values Alignment

The Mediation Reflection Tool was a tool I passed out to group members as a resource, though we did not use it within the groups. I created it with one of my colleagues prior to beginning this project, and we had piloted it with mediators at conferences and at our community mediation center. The tool was an attempt support mediators in aligning values to practice. It asks questions of mediators before and after their sessions to help them raise awareness about the values that matter to them and the

observed behaviors that uphold those values, or the behaviors that worked against those values. Because of its formulaic format and narrow focus on values, I did not emphasize its use. I hoped instead that group members would focus on the aspects of their practice they deemed most challenging. However, for some mediators, these types of ready-made reflection worksheets, like the post-session inventory card, were welcome. See the full tool in Appendix H.

Running Reflective Practice Groups

Given the needs of the groups, some "best practices" about group formats surfaced through this experience. Despite my best intentions to create a sense of shared ownership within the groups, I still acted as group leader in the sense of scheduling, providing snacks, and determining the general agenda for our sessions. Much of my formulation for the groups was inspired in conversations with Michael Lang, as I mentioned before, who has extensive experience in running reflective practice groups.

Meeting Scheduling and Frequency

The two main reflective practice groups in this study, Mixed Group and Workplace Group, met once a month for two hours, over six to seven months (the length of my "fieldwork"). The Mediation Center Group met twice for two hours and twice with administration in order to plan integration of reflective practices in their center. Although all participants affirmed that they felt partial or full ownership of the group formats and the majority agreed they had partial or full ownership over the amount of time we spent on each activity within group sessions (Closing interviews, February – March 2018), my own experience was that the frequency of the meetings was insufficient

to create momentum or allow space for all participants to practice. By momentum, I mean a familiarity with each other (in the case of the Mixed Group) as well as with the processes we were examining (in the case of all groups). Having a full month between sessions meant that conscious reflective practice generally did not occur in the day-to-day, and was relegated to a "special occasion," rather than a steady approach to practice. Limited journaling or use of other resources provided, supports this observation.

In hindsight it may have been helpful to ask participants to answer reflective questionnaires, like the Mediation Reflection Tool (See Appendix H) before and after their cases. Because of my care in not dictating a process of learning, but rather to co-create it with fellow participants, I did not frame the neglect of reflective practice over the intervening month as a "problem." Given that participants already reacted sheepishly in "confessing" to not having journaled, I opted to not approach reflective activities out of session as requirements or homework.

I had chosen monthly meetings bearing in mind Michael Lang's advice that individuals should commit to the group to create consistency in attendance (personal communication, February 6, 2017). Given the limited number of months we had to meet, I would suggest more frequent meetings at the outset, likely two per month, to develop a work rhythm and allow group members to debrief or be debriefed sooner. More frequent meetings might create more frequent absences as well. On the other hand, increased trust between group members could increase their sense of ownership and accountability as members of the group, thereby motivating them to be more devoted participants.

Greater frequency would also encourage what several participants expressed as their lack of “discipline” or “habit” for reflective practice, and increase opportunities to learn how to think in double loop ways. I believe my concern to not infantilize participants prevented me from recognizing the benefits of required work as a means of reinforcing new habits also. At least some group participants seemed to have wanted this external push.

Number of Participants

When I first spoke to Michael Lang about setting up reflective practice groups, he emphasized that groups should contain no more than ten people to assure opportunity for meaningful participation. Mediation Center, Workplace and Mixed Groups contained four, six and eight members (including me) respectively. Conversation seemed to flow in all three groups, though much more so in the Workplace Group where co-workers were very comfortable with one another, including with their direct supervisor. Despite not being too large a group for connected discussion, not everyone in the Mixed Group had the opportunity for meaningful practice. More time was needed, and again, perhaps more frequency of meetings.

Group Composition

Group composition is a central factor in determining the depth and quality of exchanges between group participants. In the two main RPGs of this project, we had diversity of gender, race, ethnicities, family and professional backgrounds, ages, mediation styles and work settings.

Diversity in our groups contributed to thoughtful conversations with different perspectives. In upcoming chapters, case debriefs will illustrate the ways in which group members with different opinions, lived experiences, or ways of knowing and speaking, socially constructed new understandings with each other via reflective dialogues. This diversity, I believe, is essential in any RPG, and should be ensured for maximum benefit. Though certainly the easiest kind of groups to compose, RPGs that attract similarly thinking and experienced mediators yield necessarily more limited experiences of variation (internal and external differences) and therefore more limited learning.

Defining Reflective Practice and Action Research

In the final chapter, I will enter more into my own observations of how our groups evolved in our understanding of reflective practice and action research. For now, I will explain the foundational definitions and descriptions I introduced to the groups and participants' initial thoughts as they made sense of these.

My Definitions

I started every group by explaining reflective practice and action research as I have understood them through my academic learning and in conversations with colleagues and reflective practitioners. The following are two excerpts of my attempts to clarify reflective practice and action research to participants in a way that felt tangible. I used the aid of a handout (see Appendix G) to define reflective practice. On one side was an illustration of Schon and Argyris' double loop learning model, and on the other a textual bullet point definition by White, Fook and Gardner (2006). I reproduce one of

my explanations here verbatim, to demonstrate how I was teaching these concepts, thus giving the reader a frame of reference for my colleagues' subsequent interpretations:

> So, the idea is that often times when we're mediating, for example…we talk about mediation at the level of strategies and techniques, meaning what we *do*. We think, "Well, I could have done this differently." That keeps us in this—what's called a sort of *single loop* learning where we're just thinking about the possibilities that exist within what we've been taught to do and what options there were, the options that we've been given. The *double loop* learning model, which is what reflective practice approaches try to get at, is [to unearth] why we do what we do. So, what is underlying those strategies and techniques? You can take that to different degrees.
>
> We can talk about reflective practice on the level of--- For example, there was somebody recently in one of my groups who was talking about having been really torn about whether or not he should have asked a client about a particular thing that seems to be bringing up a lot of emotionality for her. He chose not to because in [private meeting with the client], she didn't bring it up. He gave her some space and she didn't talk about it more. Then, also, in the setting they were working in, a civil court, he didn't want to sort of open Pandora's box and derail from the matter at hand, which seem to be the money issue. But it kept irking him afterwards that…she seemed to get really emotional about this thing that the other party said and he didn't know why and he felt that he'd given space for it but he didn't want to push it. So, he did a reflective debrief around that.

One of the things for him to look at in that situation on the level of double loop learning would have been, "Well, what assumption was I making about this person's silence around talking about that particular thing?" Of course, we could debate whether it was really "silent." If she was getting emotional, she was giving some information. That could be something to explore even on the level of "why do I think that her not mentioning it meant that she didn't want to talk about it?" Is the fact that giving space around it and having given her a caucus around it and she still didn't talk about it, does that mean that it *still* wasn't something that she wanted to talk about? We can think about, "Well, where does that come from for me, that assumption?" Maybe the way that I was raised in the conflict norms in my family when somebody was emotional, but didn't flat out say why, we kind of, out of respect, gave them space and didn't talk about it, didn't push the matter…

Conflict has been modeled for us and what we think is okay or not okay to do. It could also be on the level of more contextual, more societal, kind of thinking about-- especially [since] we are a community mediation center, a lot of marginalized populations and low-income people of color coming through the door. And most mediators have come from privileged backgrounds. There's a disconnect there a lot of times between the experiences that our parties are going through in their day to day lives, and our experiences…

There can be some assumptions that we're making also about who people are as they come in and that can influence why we do what we do or why we decided to ask a particular question and not ask another question…Reflective

practice is just like an umbrella term and there can be many ways to do it. Today, we'll just look at one way but the idea is that it should be anything that gets you to be thinking on the double loop level, to be thinking *underneath* what you do to thinking about *why* you do what you do. This is especially helpful to do in a group or in pairs because often, we have our own blind spots and it can be helpful to have somebody else to sort of help you to see the things that you might not be seeing. Does that make sense? I realize it can be a little bit vague. The reflective practice definition on the other side [of the page] is meant to describe that and know that it's a *process*; it can be a cognitive process, emotional, experiential, that means, the information that we're getting that's telling us what *is* could be rational, it could be something emotional, it could be somebody's experience and we're having to examine the assumptions that are embedded in the actions or experiences.

So, in our case, [reflective practice is looking at] the assumptions that are embedded in our interventions during a mediation and then we take those assumptions and we try to figure out where might they come from. Was it from a personal experience, some emotional experience? Is this something social, cultural, historical, political? What are the influences in my life that have created these assumptions that I'm making? Taking those assumptions and re-evaluating the mediation process or our choices based on what we understand by thinking about that more deeply and then doing it over again, basically, just like a cycle. We look at the results, like the model shows here, and we do it over again, once

we've done that process of thinking more deeply about the assumptions. So, the more we do that, hopefully, the clearer that we will become, again, about where interventions come from. The other thing that might happen is that we might think, “Oh, I disagree with what I’ve been taught. I actually think that this method that was given to me isn’t in line with what’s needed here.” And I think that happens actually all the time and which is why a lot of mediators veer off the script and do other things. But, again, they may or may not be very conscious of why they’re doing that…(Mediation Center Group, June 6, 2017).

Here is an example of how I defined action research for a group:

Action research is a kind of approach that democratizes knowledge. It believes that we all as practitioners have just as legitimate knowledge and information and theory-making capacity as someone who's divorced from practice and has read hundreds of books like I am currently having the luxury of doing through [an academic] program. But does it make the knowledge that comes from formal theory making more legitimate? In fact, the opposite right? When we're studying practice and we're saying what's best for practitioners it makes sense that we should go to practitioners first as academic researchers to understand what's happening. So that's why I'm bringing you all together. That's why it's really important that what comes out of research reflect directly what's on the front lines experiences for you guys when you're doing cases, and me when I'm doing cases. But theories of action are basically theories of practice, the things that are in our head, that whether we're conscious of them or not, are telling us what is right or

wrong to do. And a reflective practice process is to help us get clear about what theories are operating within us. So that we cannot drive blindly but drive very well informed of what it is that is influencing us to behave in particular ways within our mediation practice.

(Mixed Group, April 23, 2017).

Although I defined reflective practice and action research at the beginning of our time together, I continuously reinforced the definitions when characteristics of either were salient, or when I thought there was a misunderstanding of the usage of the terms. By and large, these moments related to defining reflective practice, but there was one instance when it was clear that a "Craig," a member of the Mixed Group, believed himself to be participating instrumentally as a means to my personal end, and understood research in the dominant scientific frame of testing a theory or hypothesis. Though the latter was not entirely off the mark, I realized then that I had not conveyed the action research component well enough, whether by words or deeds. The following is an excerpt of our exchange, including another colleague "Peter's" synthesis of my words:

<u>Craig:</u> I see you [Rochelle] as a welcome participant in the group conversation, but I think-- I may be wrong. I think I'm here because you're trying to get a PhD. You have a thesis, and you're going to try to write a dissertation about it, and I thought we were your guinea pigs. I want to make sure we are walking on a track that is useful for whatever your PhD work is. It's been very useful for me in my own ways, and I'm pulling out stuff out of this that's very useful, which I anticipated, which is why I volunteered, but I don't want to lose sight of that. I

don't know if you have a theory that you're trying to prove, if you have a question that you're trying to find an answer to. I don't know where we are in your thesis process.

I'd like to be as helpful as I can toward that. If it turns out in the groups you discover that your premise was wrong and you have to change your thesis, that's fine.

Me: There are a few things you brought up. I probably haven't done a very good job in describing my intended approach with this group, which is an action research approach. An action research approach is different from a traditional research approach in that there is no pre-established theory necessarily. Its main objectives are to change an existing situation for the better to work in co-inquiry with the traditional subjects, so you all as "guinea pigs" in the way that you're talking about would have been "subjects." If I were to do this in a more traditional way, then I would strictly be extracting things from you. "Tell me, tell me how you think about this and that." But in this process, I'm assuming that you have your own mind, because you are practitioners, because you come with a lot of experience, and because you too can create knowledge in this framework.

In an ideal project like this, there would be enough time so that you guys would get more of what I've been learning through my readings and such, so that it's knowledge that then belongs to you, and you can then work with it and be part of this – basically - research working group. All of us together, asking questions together, establishing the direction and the research to some extent. But because

my time is limited, and often the challenge with action research dissertation projects is that there is this externally imposed deadline of when I need to stop that process and when I need to get on with my writing, and when I need to defend my dissertation.

That is, of course, a motivation for this project. My philosophy around learning and my own identification as a practitioner who all the time was theorizing as I believe all of you are all the time theorizing about your practice and coming up with in-the-moment decisions about why this is a better track than that track, compels me to stay as true as possible to that goal of us regarding each other as peers in our learning process. It can't be denied that I have all of this other work that I've done around this particular subject, and that I am the coordinator of the group, and it's an initiative that is borne out of me getting a PhD, you're right. But on a bigger level…the purpose of my getting a PhD is to contribute to our field in a positive way.

That motivation is really important for me as well, and I think that there's actually been too much disconnect between the academics and the practitioners. If we're going to really say anything really meaningful about how to improve practice, that those identities need to be married. We all need to see ourselves as responsible for the knowledge we both integrate and generate, and pass on to others when we mentor them and when we teach. The part of maybe what's remiss in mediation and in other types of conflict resolution practice is that we

don't learn how to take ownership of that learning very well. We often absorb what's already given to us and then we hone it somewhat.

We don't take these bigger steps back to say, "Where did that come from in the first place? How can I trust that the source of that learning was a really reliable source? Do I agree with it? Do I agree with the assumptions that played into creating that process in the first place?" I hope that helps to clarify more of at least how I'm approach-- I mean, you're all literally, for me, very esteemed colleagues. You're people who I trust very much, and I want this to be collaborative to the extent that that's possible given our constraints with time, mainly.

Paul: Can I offer an extremely coarse summary of what you said?

Me: Yes, please.

Paul: The guinea pigs wear lab coats? (laughter)

Me: That's it, in a nutshell. (laughs)

Paul: Crude but somewhat accurate.

Me: Whether you were signed up for that or not, I'm handing you a lab coat.

(Mixed Group, May 20, 2017)

"I Do Reflection"

It is difficult to know the starting point for every mediator participating in this project, in terms of how they understood reflective practice, though in the future, surveying practitioners in a "before and after" way in order to gauge their changed understandings more precisely, might be a useful approach in helping us know best ways to communicate reflective practice, both in the doing and in the telling. I chose not to

“test” participants for their foundational levels of knowledge in this project, because it seemed counter to the power balance I wanted to establish as an action researcher, particularly since I was already sacrificing the purely participatory aspect in that participants did not wholly decide the “problem” we would collaboratively be addressing. As such, I defined reflective practice for interested participants from the point of initial phone calls. During some of those conversations, however, and occasionally throughout the subsequent months, I heard indicators of what they considered “reflection” or “reflective practice.” A common theme was hearing individuals discuss ways in which they already “do” reflection. According to Craig,

> Long before I was enlightened by mediation training, I always wanted to make sure that professionally I was doing as well as I could. I'd be thinking about how can I do this better next time? What did I learn? I'd sometimes say about lawyers, I love them all, because I learn from the bad ones, and I steal from the good ones. So, I'm always out, I want to make sure I'm good, and when you're practicing law, you're dealing with other lawyers all the time, so you get a lot of feedback. "That was a good idea. I'm going to incorporate that in my practice." We don't get that as mediators. We rarely get that as mediators, outside the community context. (Mixed Group, May 20, 2017).

The comparisons and references that group members made to reflective practice or learning in other parts of their lives also helped formulate a collective understanding of it, in addition to our experiments with the reflective debrief process. The following is an exchange with a few co-participants after I asked whether or not they had heard it talked

about before. The connections they made also supported me in concretizing the concepts, and in validating their own ways of understanding them.

> Uma: Not like this, I hadn't [heard of reflective practice].
>
> Heather: Yeah, but I didn't know exactly what it was, but I'd heard of it before. But I've never done it and I don't know anyone who's done it. It was on a TED talk…They were like talking about learning, and he was saying that like that's part of what.. I can't even remember. I know I explained it once before. He was talking about learning, and there's two zones, the performance zone and this other zone, maybe it's just called the learning zone, and you have to like spend more time there than we actually spend there. And one of the ways that we spend time there is doing reflective practice. But I didn't know what it was, but I thought "Oh yea, that makes sense…"
>
> Uma: In India, too, like when there's classical music, learning.. like a tradition of guru shisha -- guru-teacher-student tradition, and a way of learning happens that's like this, and more. Even if you're just learning music, your teacher isn't just teaching you music. You actually spend all your time with them. And then you are learning through living with them, and so a lot of conversations are about why this and why that, and then it sees into many other things. It'll start with a piece of music and then it'll segue into life and challenge and poetry or something, you know. But with a lot of conversation about what is being taught, and it's also breathed in by living with your teacher.

Me: Yeah! So it is a type of learning, definitely. I think it should be called reflective learning because I think of it more as a way in which we teach ourselves, really. We do it often in conjunction with other people and actually learning is often defined as a social activity. It's a type of change that happens inside of you in relation to another person or in relation to your environment.

So you're influenced by somebody else or something that happened in your surroundings, you take it in, you process it, you compare it to something else that may have been similar to what you've been doing, so you can categorize it and then if it's new information, then you integrate it and have a new vision of what you know, right? That's your new knowledge, that's your new reality. That's essentially what this is, except you're doing in a very deliberate way. We're forcing ourselves to go through this process to make sure that you really integrate it rather than running on auto-pilot which is sometimes what we normally do when we're used to doing things, or we don't have time. Any other connections to reflective practice? Or something like this? It might've been called something different than what you would've participated in.

James: Well, when you were talking about it, I started to think about.. it sounds like when you're in a relationship and then there's a break up and there's an opportunity to learn about what went wrong. So you go through your grieving and then through your anger, and you can either get stuck or you can you know, keep making the mistakes, or take an opportunity to learn about it through some reflection, and what that reflection looks like or how you go about that reflection

depends on if you're doing it alone, or with a therapist, or reading a book, but hopefully some discovery you make, that's not just that there was a relationship and an ending, because you're keeping these patterns. But here you're managing a process and then reflecting on it. This is like there's a conflict, you're in it, and there's a chance to learn from it once you get through the emotional stuff, depends on the impact of it. I'm thinking about my last relationship, and I had to do a lot of that. (Workplace Group, April 24, 2017)

Me: People sort of sometimes whether in that situation, continue to do the same things, or in what we're talking about, continue to do the same things even though you might not know why you're getting the outcomes you're getting and it might be hit and miss that you're getting agreements, and it might be.. So the more we understand the why underneath, the better off we'll be in terms of having control over our practice, being able to make informed decisions about what we're gonna do, what relationship we're gonna get into. We understand *why*, rather than I'm just doing this thing because I was told to do it, or it's expected…

So we often have this dichotomy in the world and our society about practice and theory. You hear it all the time, we wanna link up practice and theory. We talk about them as if they're these two separate things. But actually, every human being is a theoretician. What you're talking about is still a type of theory making. You're examining what you've been through and then you're asking what happened, and then you're trying to make sense of it and then you come up with a theory as to why it happened and then you decide to do

something different based on that theory you came up with. You aren't doing that in a formal way, but that's essentially the process you're going through. What I was saying earlier is that this is a way of going backward through that process. You already have theories inside of you that tell you what to do in your conflict resolution processes, and we're trying to tease out what those are that already exist with you so you can work w them, because if they're in your subconscious you can't work with them, but if you tease them out then you can say "Oh, yeah. I wanna keep this." Or "maybe that was based on an assumption that was not so great, I'm gonna change it up."

Uma: Is there room in here for like long-term reflective learning? Like I feel like that's the way my sort of system operates. Where I wouldn't necessarily create a strategy or technique based on something I learn right away. I'd ask why, definitely, or even *how*. But I would sort of just let it sit and let it be touched by other experiences before..

Me: You mean, kinda, let it integrate or give it time.

Uma: Yeah. Without putting my hands in it too much. Just let it like, have its.. even if its mediation long term, or my life.

Me: I think there's room for many things. I mean, the question is, why is that helpful? So, if you can articulate for yourself why you do that, versus not doing it in other situations, but you can explain why I do it in this situation but not in that one, then you've done a service. Right. You're able to share with others why this thing works for you in that particular way when maybe everyone else is trying to

deal with it right away... So, yeah. You know, the important thing here is .. you're all gonna have different ways, 'cause we all have different ways, so it's not about coming up with one way, but it's about coming up with the way that works for you and for you to understand really clearly why it's your way. So you can explain it and justify it, and look at yourself, when you're thinking about did I or didn't I do the right thing? In that case that I just had. You can say, well, I did it because of this, and this was my priority at the time. Right.

(Workplace Group, April 24, 2017)

Through association with their experiences in other contexts, mediators found ways to make sense of reflective practice in the context of mediation.

Comparisons with Other Groups or Forms of Reflection

Although the majority of participants (approximately 70%) had never been in a reflective practice group before, those of us who had were able to make comparisons with other experiences and better understand how reflective practice in our group was different from other mediator reflection forums. Only one other group participant, Rita, had participated in a group explicitly called "reflective practice group." Other members approximated this experience with "practice groups" or debriefings with other mediators. Rita observed that in her experience leading a practice group, it was very difficult to get people to "go internal" (Mixed Group, April 23, 2017) and that the tendency to remain on the external level of analysis was quite strong. In response to Craig's question about whether or not there were people in her group who were resistant to self-reflection, she said, "there certainly were people in the group who were able to talk a lot without ever

engaging with themselves. So I don't know what the roots of that are…" (Mixed Group, April 23, 2017).

Paul, who worked with new learners in mediation, wondered aloud if "adopting a microfocus isn't a challenge…to focus on the moment rather than the arc of the mediation." (Mixed Group, April 23, 2017). Both Paul and Rita noted that others in their practice or debriefing groups stay at the level of storytelling. Paul described how his graduate school mediation students, despite being prompted to think inwardly on critical moments through journals, default to writing about "so and so came in and was implacable and then such and such happened and then he moved or didn't move." Gesturing outwardly, then inwardly toward himself, he concluded, "And so it tends to be sort of up here and not down here. I think just getting to a place where you can adopt a reflective [frame] may be a challenge" (Mixed Group, April 23, 2017).

Paul also noted that if one is observing and checking in with his or herself while mediating, one can become "more interested in the mechanics of the story than in the story itself," and this level of reflection was what he expected, but did not frequently get, from his students. This observation was connected to subsequent conversations we had both in and out of session (e.g., on the subway ride after the session, where further interesting and unrecorded conversations took place) about possible predispositions to being a reflective practitioner (introversion was the only common personality trait we could identify). Other participants pointed out that our reflective practice group was much more structured than other debriefing groups they had been in, going deeper and providing for a clearer structure in asking questions.

On the one hand, running a reflective practice group is a familiar exercise for anyone with experience in facilitation and convening. Apprenticeship programs are run in a similar fashion, but meet with more frequency, usually once a week. Down the road, if evidence of their benefit turns reflective practice groups into coveted opportunities, weekly meetings and “take home” exercises may be viewed not as burdens, but as welcome conditioning for the improvement of practice.

In the next several chapters, we will take an in depth look at reflective debriefs in our sessions, and the particular ways RPGs worked to support or sometimes inhibit mediator learning.

Chapter 7 – Critical Learning Moments: Introduction

The following chapters are dedicated in large part to observations and reflections about critical learning moments experienced or observed while participating in our mediator reflective practice groups. I have delineated three overarching categories of critical moments accompanied by detailed examples:

1) *Conflicting Theories of Conflict* – moments when our personal theory of conflict clashed with the dominant conflict theory of a given setting or identity.
2) *Effects of External Experiences* – moments when our lived or professional experiences affect our approach to standard mediation guidance or training.
3) *To Speak or Not to Speak* – moments when we experience uncertainty about whether to name or not name a delicate topic or experience.

Greenwood and Levin (2007) suggest that action research reports are best written as stories wherein we detail the natural evolution of our social construction of new meaning, because this presentation most mirrors the learning process (pp. 109-112). I structure these chapters around the exploratory dialogues, in particular case debriefings, that illustrate the evolution of salient learning moments for us in groups or pairs, or for me as an individual as I systematically reflect upon our conversations, and link them to larger dialogues with the literature. Although at times the meta-analysis of these conversations is expressed by a group member, for the most part these observations and

analyses are my own. In the final Learnings chapter, I will summarize key takeaways about the use of reflective practice work for mediator learning, based on our local experiences.

Reflective Practice and Ways of Knowing

While examining reflective practice group dialogues, I noticed that my colleagues used different languages of knowing to articulate their critical moments and their thoughts about how to address them. Ways of speaking about ill-structured problems is how many of those who study epistemic cognition gauge personal epistemologies (Hofer & Pintrich, 2002; King & Kitchener, 1994). In mediator work, most problems are ill-structured problems, because they do not have straightforward solutions. Therefore, the means by which conflict practitioners approach these problems, in conjunction with clients, can tell us a lot about their beliefs, not just about knowledge, but also about conflict itself.

In our groups, we applied varieties of epistemologies to different types of reflection:

- *Reflection-on-action*: epistemology used when debriefing (thinking back on our actions)
- *Reflection-in-action*: when describing our critical moments, we described the epistemologies at work *in those moments* and the factors that influenced them
- *Reflection-for-action*: making sense of the wider implications of the previous two types in order to formulate an understanding (whether new or consistent with past practice) about the problem faced in practice.

Although most studies on epistemic cognition are focused on adults' (usually students') cognitive development, conflict resolution practitioners use more than cognitive processes for understanding their experiences. We rely heavily on emotional and physiological cues, and give weight to intuition as a legitimate form of knowledge as well. To incorporate these other ways of knowing, I found Belenky et al.'s work useful in characterizing the various languages of knowing expressed by participants in this project. As mentioned before, mediators are generally taught to practice ways of knowing that highly resemble *connected knowing* as described in Chapter 3. The degree to which mediators integrate this epistemology varies, depending on the degree to which they already practiced it prior to their training. A frequent refrain in community mediation is that lawyers are often the toughest people to "untrain," because the epistemologies taught in law schools are often diametrically opposed to those of mediation. Lawyers, and people who attended institutions of higher learning in general, are taught to use *separate knowing*, to play "the doubting game" and construct and validate knowledge via adversarial methods. Separate knowing is also characterized by "self-extrication," or taking oneself out of the study of the "object." (Belenky et al., 1997, pp. 104–109). In the words of Belenky et al.,

> …separate knowers' procedures for making meaning are strictly impersonal. Feelings and personal beliefs are rigorously excluded. These procedures have been most highly elaborated and explicitly codified in the sciences, but they exist in some form and with some degree of specificity in all disciplines. (p. 109)

Connected knowing, on the other hand, depends on one's subjective experience

as a form of knowledge, but unlike a straight subjectivist who passively accepts all knowledge as valid, connected knowers "develop procedures for gaining access to other people's knowledge." (Belenky et al., 1997, p. 113). Connected knowing is also in line with Collins' black women's epistemologies of care and accountability (Collins, 1999). As a connected knower, one takes into account the full person when deciding the merit of their thinking; this means giving weight to their identity and integrity as demonstrated through their own lived experiences.

In our reflective practice groups, I observed participants utilizing received, subjective and procedural ways of knowing, and connected and separate modes of procedural knowing. These personal epistemologies were not always consistent for each individual, though in some they were. I see the varieties of ways individuals discussed cases as evidence of Schön's theories-in-use and espoused theories, with relation to personal epistemologies. In a reflective practice group setting, participants were well aware of their peer audience and the acceptable ways of knowing for that audience (though not all deferred to these norms). As such, it might sometimes be the case that a colleague who normally exercised separate knowing "tried on" connected knowing to appear acceptable to his mediator peers, but did so uncomfortably or inconsistently, because it was not his natural mode. It happened too, that colleagues sometimes described their cases in a separate knowing way during formal debriefs, but while practicting, exercised connected knowing.

In theory, critical reflective practice methods should aid conflict specialists in understanding the underlying epistemologies that guide their choices in practice. I will

highlight particular critical moments here via various reflective dialogues, and describe ways these dialogues served our efforts to reach more sophisticated ways of knowing and learning. Names and some case details have been changed for anonymity. Italics in dialogues denote the speaker's emphasis through voice inflection. For ease in presentation, I have mostly placed the debriefs into a tables with two columns: the left column is the transcript and the right column is my analysis.

It is also important to note that I have not elaborated on participants' profile information, even though their backgrounds are intrinsically relevant to their ways of knowing. Because there were only fifteen participants in total, I did not want to compromise their anonymity by describing them in too much in detail. That said, in future versions of this action research project, when we can report our "learnings" as a collective, we may decide to enter more background information. In the event that I pursue research explicitly about the connection between mediators' profiles and their ways of knowing, full mediator profiles would be important, and I hope that such research would be co-developed and co-led with colleagues with the support of more time and resources.

Chapter 8 – Critical Learning Moments: Conflicting Theories of Conflict

Critical moments for mediators in our reflective practice groups represent moments of internal conflict that have the potential to lead to learning. Learning moments, as I have earlier written, are often moments when we detect a *variation*, an incongruence between what we know (and expect) and what actually happens. This incongruence generally creates discomfort for the mediator, and most important to the learning process, it signals to us the need to stop and make meaning out of the new information we are trying to assimilate.

In studying the different types of critical moments my colleagues surfaced for reflective debriefs, I realized that the most unsettling – and thereby most aided by a reflective practice process -- were moments when mediators experienced *conflicting theories of conflict*. I define a practitioner's theories of conflict as their beliefs about the source of conflict (its ontology), how it is defined or identified, and how it should be dealt with. Practitioners' theories of conflict are influenced by their personal epistemology as well. For instance, I noted mediators who, prior to participating in this project, were already "reflective" in their way of thinking. That is, in other parts of their life, when approaching a complicated situation, they took time to consider and weigh the validity of the reasons behind their thoughts and behaviors. Remembering the content in Chapter 3 about knowledge development, we can understand reflective thinking as a more sophisticated

way of knowing. However, newer scholarship about the development of personal epistemology tells us that the sophistication of epistemological frames is domain and context specific. The level of sophistication depends on one's societal norms about knowing, and on one's ontological understanding of the domain (e.g., one's beliefs about conflict and one's familiarity with the domain of conflict resolution) (Bromme, Kienhues, & Stahl, 2008). Our personal epistemologies in conflict situations, then, depend on what we know to be the nature of conflict, and what makes it either functional or dysfunctional (Wall & Kressel, 2017). In these RPG debriefs, it was evident that mediators sometimes projected their theories of conflict onto their clients, manifesting the "shoulds" in their mind, as in Allen's case below. Sometimes theories of conflict changed depending on one's sense of comfort with the topic or client's culture, as in Heather's case in Chapter 10.

In addition to contrasts in theories of conflict between mediators and parties, the discrepancies also existed between mediators' personal theories and those of the mythical "good" mediator, or between a mediator's theory of conflict and that of the setting in which they work, like in the first case featured below.

Critical Moment 1: Self versus Setting

"This guy's been screwed. You don't want to be another agent of a process that screws him more.*"*

A frequent challenge for mediators is in maintaining the values they personally espouse and the often contrasting values propagated by their work settings. During our debriefs, a number of mediators spoke about this kind of critical moment, but Rita's case

to follow illustrated this tension very explicitly. Most prominently, the discrepancy between one's personal or taught values and those of setting were felt in court-involved cases, whether or not those cases took place within a physical court setting. Cases referred by courts to mediation centers still carry with them an added component of expectation for resolution and timeliness. The litigious and impersonal standards of a court setting frequently impose themselves on court-annexed programs, such as mediation. The degree to which mediators can operate according to their own principles, in part, depends on their will to resist norms of conduct within judiciary institutions, but also on their individual assessment of what may be lost for the client if those norms are ignored altogether, as in Rita's case below. Though I highlight a court-related case, it bears noting that the tensions Rita experienced were very similar to those experienced by mediators working in school settings where punitive disciplinary paradigms reign and descend most heavily on students of color.

Between a Rock and a Hard Place

Mediator "Rita," was reflectively debriefed by colleague, "Paul," about a doubt she encountered in supporting one of her clients. Rita is a white, female attorney who mediates within a court system, so her clients are enmeshed in a legal process that mediation is intended to support. In this case, the client, an African American man, was undergoing a civil rights litigation process while *pro se* – that is, representing himself in the case. In her estimation, he was out of touch with the court requirements and bogged down by the emotional challenges of both his case and his personal life. He had been incarcerated more than once on charges that were ultimately dismissed, and was caring

for a sick family member, all while trying to hold a job. Rita noted that he was "scattered" and had "a hard time showing up for calls that were scheduled, he had a hard time responding to things." Her impression was "that he was someone who was juggling a lot of things" (Mixed Group, April 23, 2017).

The critical moment Rita recounted related to her decision to ask her client to write a standard pre-mediation statement that she normally requests from clients, to provide her with information they deem important for their case. Ordinarily, an attorney might write or help write such a statement, but because this individual was representing himself, he had no such assistance. Feeling the deep weight of his personal troubles, she wondered if it was right to have him go through the trouble of producing such a statement, yet knew that it would just be the tip of the iceberg of what he would have to do if he pursued the court process and that maybe doing so would dissuade him from what she knew would be a trying experience she wasn't sure he could shoulder. In the reflective debrief, Rita described her hesitation this way:

> I thought to myself, should I waive this requirement and say, "Look this is someone who is not legally trained, he's not really thinking about his case [hesitation] in the context of the legal issues, you know. For him it's personal, this is not about what the legal standards are, or whether or not his case meets those standards. And so…the likelihood that I will get something that..helps me help him, which is sort of the goal of these statements, is low. And maybe I could decide just to forego it."

The other side of that coin is that I was thinking-- part of what I hoped to do with this process is to help him be an informed decision maker about the process that he's currently in, which is in court here. And..if the case doesn't settle, he's going to be called upon to do things like this until the case is resolved. There're gonna be motions the city is gonna file, he's gonna have to respond to those, uh, he's never gonna have an attorney again, that was pretty clear. So, I made the decision to ask him to do it, knowing that it was gonna impose stress on him. And so I had-- that's where I-- am wondering whether-- that was the right call. (Mixed Group, April 23, 2017)

Later, through Paul's reflections of her unsettledness, Rita got clearer about the tensions she was experiencing in the moment of deciding whether or not to ask the gentleman to do the pre-mediation statement:

Paul: So, Rita, it sounds like you're saying that aside from there being a-- tension, as you *look*ed at it, in what is right for him-- It sounds like you're also saying that there-- that there was a tension in what's right for your role as you were doing this.

Rita: Right. Right. Because..um, there's my pure? role, and then there's my role where I work, so..there's no question that by *choo*sing to have him do it, I was choosing at least in my estimation at the time, uh-- to impose a process that I thought would be the best process to lead to the resolution of the case. Um. But that was not necessarily the best process for him. You know, I think-- Those things were not necessarily-- at least in the short term. I mean, one could argue-- I think in my head I justified it by saying, "Probably the best thing for him is to

experience this now so that the case *mi*ght be resolved and he can have some-- he can be done." But, um-- *And*, to add to that, there felt like an element of deceit, because..I was imposing a process. *He* had no idea the things that I was thinking and the choices that I had. And so, it felt, it did feel like there was an element of deceit towards him, you know…

I try to transmit here the many hesitating pauses in Rita's speech as she worked through her moral dilemma. She sounded affected thinking back on her decision, understanding the burden she was placing on this man who had already suffered a great deal in life and now through a system that had not only been unjust (wasted years behind bars for charges that were dismissed), but that put the onus on him to prove that it had been unjust. She worried that she had been too "heavy handed," but that she ultimately would never know what would have happened since she already made her choice. Even though, as she told us, the client was grateful to have gone through the statement writing process because it gave him a reality check about pursuing his case, Rita questioned if this was the right outcome.

Finally, in conversation with Paul, Rita connected her dilemma to an experience she had had at a session about reflective practice in a recent conference she attended. I include the reflective dialogue here (left column) accompanied by my interpretation of it (right column) in relation to epistemological underpinnings as well as process points in the reflective debrief.

Table 8.1 – Rita A

<u>Rita:</u> There was a moment when we were supposed to talk to a colleague about a moment we were thinking about. So in much shorter version, I presented this [dilemma], and the *co*lleague that I spoke to happens to mediate. She runs a program for another court. Um. And *her* response was: "You should *al*ways ask for pre-mediation statements, *that*'s the *process*." *That* is the process, you know, that you *do*. So, to her, *clearly* to her mind, she had no idea why I was troubled by it. I *think* 'cause from *her* perspective, it doesn't matter if someone's pro se or *not* pro se or what effort it *causes* them to do, like these are considerations that are..um—*si*lly-- to have *had*. Right? Because these-- this is the *struc*ture. Right?	Rita is describing here a difference of epistemologies between her and this colleague, for whom received knowing is normalized – her emphasis on "*that's* the *process,"* signified that there was no need to question it, it was a given.
<u>Paul:</u> The procedure's the procedure and… <u>Rita (interrupts):</u> Co*rrect*! <u>Paul:</u> …what are you getting yourself in an	Paul is paraphrasing Rita here to capture her point, and Rita emphatically acknowledges that he has captured her

uproar about? <u>Rita:</u> That's *ri*ght. That's totally right. I mean, she was, you could just *see*, for *her*, this was, what am-- it *ma*de no sense that I would've A) con*si*dered, even con*si*dering *wai*ving it made no sense to her, and of course, if one doesn't consider it, you're not	message with “Co*rrect*!” and “That's *ri*ght.”
left with my feeling of should I, did I im*po*se something? I mean, *my* view is that I im*po*sed something. I think another-- *her* view is "this is the *pro*cess" so why am I trying to create an ex*emp*tion? You know, from the process. So. you know, that's-- it was an interesting. It was an interesting perspective to talk to her. And I thought, "Well this is just so much *clean*er if you see it this way, it's a much cleaner process for *su*re.” But it's not really *in* me. I don't really	Rita is struggling with her ethics of care and accountability here. She feels personally responsible for the impact of her choices on her vulnerable client, and yet she is conscious that there are other (separate) ways to see the situation that could make her life much easier.
feel that way. Even though, of course, I write procedures for mediators to follow. I *do* think that a foundational element of mediation is-- meeting the needs of the	Rita is acknowledging that there is necessity and value to procedures, and that she makes use of these herself, but she comes to clarify through this debrief, that these are

people that you're working with. So I feel like none of these things are, um, should be strictly ad*here*d to if it means…	guides, not strict rules, in the face of people's needs.
Paul: So. In having that, in being that trouble-free and in having the kind of purity of response, it sounds like you're saying that there's something that's left out.	Paul is able to support her by mirroring her here, giving her space to deepen what is unsettling about her colleague's unquestioning adherence to process.
Rita: Well. I was a little envious, frankly (laughter). I mean, I *did* think "*God*, that's a much less tortured approach." But um, but *yes*. I think what gets potentially lost there is the question of whether imposing kind of process elements, um...I mean *why* would we ask people to invest time and effort if it didn't feel like it was ad*van*cing the process or useful to them or to me? So then I'm kind of full circle back to that mo-ment, which is--	Rita is asking herself what is actually gained through imposing a process element that will cause stress to the client. She is actively weighing what is lost or gained.
Paul: So there's the process, and maybe then the *peo*ple in the process. Rita: Right. Paul: And maybe the difference between	By naming them, Paul helps Rita to concretize the distinctions she is making while trying to weigh the cost of her decision.

the needs of the *pro*cess and the particular people. Rita: Correct. Paul: Or *a* particular person. Rita: Correct. (Mixed Group, April 23, 2017)	

Paul then pointed out what he heard as Rita's discomfort with regard to her decision:

Table 8.2 – Rita B

Paul: Well, I'm-- This is not a reflection, it's an observation. But I-- you are taking me back to one of the first things you said, and your voice did something when you said "teach." *Teach* you. Um… Rita: mhm Paul: *Teach* him.	Paul hones in on the moral dilemma for Rita. In other conversations with Paul about reflective practice, he has wondered about the value of reflecting nonverbals in a case debrief. He tries it out here.
Rita: mhm, mhm. *Yeah*. Yeah, cause it's-- that doesn't comport with my-- hope about who I would be as a mediator. And I know I would react. Uh. I'd be *trou*bled if I was,	Rita knows that she didn't actually need a statement for *her* purposes, but as she said earlier, there was an "element of deceit" in her motivation to request the document.

you know, with other mediators who felt like their job was to somehow *teach* people *le*ssons through the process. It doesn't sit well with me. (Mixed Group, April 23, 2017)	Though it was not done out of a "strict adherence" to process, her true purpose (to "teach him" the reality of what he was about to embark upon) was not transparent for the client. She is clear that this motivation "doesn't comport" with her sense of mediator self.

Ultimately, Rita legitimates her misgiving as it relates to her own identity and commitments:

> So that's, that was the tension, was, you know, the *use*fulness of that exercise versus, um-- *is* that neutral? How does that comport with self-determination, um. I don't think of myself as somebody whose role is to make work, or to teach people lessons, you know..but that felt like an element of what was at play in that decision. (Mixed Group, April 23, 2017)

Takeaways

Conflicting epistemologies. Rita's critical moment unearthed multiple contentious issues for her. Most prominently, she was struggling with preserving her identity and values as a mediator when these seemed to contrast with the values demanded by a rigorous court setting. She wanted to uphold her client's humanity, through an ethics of care, but understood all too well the demands of a system that

operates with a different way of knowing, that of separate and received knowing, where "laws" and "procedures" are the authority, and knowledge exists separate from oneself, to be contained and imparted.

Rita was also pulled between two mediation approaches that rest on contrasting theories of conflict. The first is the facilitative approach where one focuses on understanding the underlying needs of parties and supporting them in the directions they choose. In this approach, the ontology of conflict is that conflict is a problem of insufficient communication about one's needs, whether communication with oneself or with others in conflict. There is an assumption that, through a needs-based approach, it is possible to satisfy all interests. The theory of conflict, according to this approach, is that individuals hold agency and are the best positioned to make decisions about their own situation.

The other approach that drove Rita in the context of her work was what is normally denominated "evaluative mediation," more often utilized by attorneys or settlement-oriented practitioners, wherein the ontology of conflict is that conflict is a result of competiting positions, and that in order to handle it, one must negotiate and be willing to compromise (as in "distributive bargaining"). The assumption is that it will not be possible to satisfy everybody's interests fully. The theory of how to manage conflict through the evaluative approach assumes that business and personal, or problems and feelings, are separate and therefore need to be dealt with separately.

Rita's internal conflict between her personal ethics of care and accountability and the externally imposed epistemology of the court system forced her to weigh her

priorities. Like cross-cultural people who switch "codes" when they switch languages or settings, Rita found herself operating under both. In the frame of Schön and Argyris, she was under the influence of different *governing variables*, or allegiances. These governing variables were not in accord with each other, creating palpable discomfort in Rita. She felt pulled in various directions: her instinct to compassionately support her client versus her felt need to surreptitiously "teach" her client the realities of a litigation process; the commanding voice of evaluative mediators such as the woman at the conference who insisted: "but *that* is the *process*!" versus her chosen identity as a mediator who supports client agency. Unlike the woman at the conference, however, Rita's choice to ask for the document was not taken in blind adherence (received knowing). She underwent a distinct procedural knowing, consciously weighing the losses and gains for her client, to ultimately arrive at the "teaching by showing" option. While more aware of her reasons through this reflective debrief, the outcome did not sit well with her. Through re-examining her misgivings, given her client's lousy options within the justice system, she better understood that her discomfort related largely to a troubling reality that was outside her hands to reform.

Language and meaning. Rita's case was double debriefed in a subsequent reflective practice group session, where we had the opportunity to listen to a portion of the debrief audio recording. The double debrief brought up observations about the debrief itself, in addition to expanding Rita's opportunity to clarify her dilemma.

“Mark” wondered whether the word choice of “teach” brought on a different sense of responsibility than if she or Paul had used the word “inform.” For Rita, this was a useful distinction in better understanding her moral quandary:

> I actually viewed those things, the providing of information and teaching,…as different, and…my motivations when I teach are different than my motivations when I think of providing information to people in mediation. Because when I teach, as a teacher -- which I also do-- I want to be understood and I want the students to take in what I'm saying, to get it, and to be able to apply it.
>
> It's okay if they disagree with it, but part of how I'm going to be grading them is how fully they've integrated what it is I'm trying to teach them. I don't feel that way in mediation. I don't feel like in mediation one of my goals is to get the parties to absorb my thinking, that's not my goal in mediation, so those two things to me were different. (Mixed Group, May 20, 2017).

Goals in mediation. “Evelyn” asked Rita a curious question about her style of mediation, and Rita explained that there was no prescribed approach but that most mediators in the court where she worked ranged from “soft to hard evaluative,” with her being on the “very soft” end (Mixed Group, May 20, 2017). Evelyn’s question helped Rita understand yet another challenge in her work setting:

> Evelyn: I ask the question because, never having participated in any way or observed an evaluative mediation, I'm not sure what the participants’ goals are.
>
> Rita: Right, sure.
>
> Craig: That's very interesting [Craig also mediates in the same setting as Rita].

<u>Rita</u>: Yeah. And I think that's a real-- In some ways, I think that's an incredible question that probably could and should be asked across the board, because we so *rare*ly present to participants the process they have signed up for and then *ask* what their goals are within that process, just in general. But there is sort of a *gross* goal always in a court mediation, which is the resolution of the case, I mean that's the *gross* goal. Then there is, I'm sure, many more nuanced goals, and goals that we bring into it as mediators. But, I think if you asked nine out of ten *court* participants in mediation what the optimal result is, it's going to be a settlement. (Mixed Group, May 20, 2017)

Rita understand that though clients are not able to choose their process, their goals are overwhelmingly to reach a settlement. This may have guided her, whether consciously or not, to choose the path most likely to lead to settlement for her client in this case.

Debriefing the debrief. Paul and Rita had the opportunity to reflect on his approach in debriefing her, and Paul had a chance to review his choices while getting direct feedback from Rita about how they landed for her. Here he is reviewing an intervention where he thought he may have gotten ahead of where Rita actually was, rather than "following" where she was going, as Paul intended to do. Rita, however, assures him that he was not getting ahead of her.

<u>Paul</u>: In hearing this [debrief]…if *I* remember correctly, that is the one intervention I did that was not just a reflection or an attempt at one. So, in a sense I led you to a moment, because I said "this isn't a reflection, this is an

observation."…And I was aware that it *wasn't*, I was aware that I was *tak*ing you somewhere rather than accompanying you somewhere...so I was, in *that* moment, a*head* of you.

Rita: Not in *that* moment, there was another moment when you were.

Paul: It felt like I *could*'ve been. I was *tak*ing you-- I *think* I was.

Rita: No, not in *this* one. I think I know the moment you're *talk*ing about, though.

Paul: I was very *con*scious…of saying your voice did *some*thing, and not saying, not *na*ming what I thought your voice did, which I *could* have (sounds of agreement from other participants).

Evelyn: I thought it was great you *didn't* though.

Rita: But I actually *didn't*…I don't think I ex*per*ienced that.

(Mixed Group, May 20, 2017)

Finally, Mark's interest in the use of the expression "teach a lesson" supported Rita and Paul in identifying the intervention that most grounded Rita's understanding.

Table 8.3 – Rita C

Mark: Maybe that's what Paul was picking up on later on when he said maybe you felt like you were victimizing the person all over again, because that *is* what happens when you "teach a lesson" to someone.	
Rita: Yes, yes…I felt like *after* we had done	Rita is articulating, prompted by Mark's

the formal debrief, you (turning to Paul) said what you *would* have said had you done a *true* reflection of where you thought I was, which was basically like, "This guy's been screwed." (laughs) "You don't want to be another agent of a process that screws him *more*," and just on the gut level, that was actually the thing that felt *best*, it felt most centering, was *that*--	thought about language, the crux of the dilemma for herself. Rita knows what Paul "would have said" because she and Paul had talked on the train after the initial debrief and he shared then what he had wanted to say but didn't (perhaps because he was trying to follow the "Lang and Terry rules" as Craig puts it later on). She affirms here that his instinct was on target.
<u>Paul</u>: That's interesting. Well then, *may*be instead of doing it as an observation, just *doin*g it as a reflection--	
<u>Rita</u>: Yeah! <u>Paul</u>: --would have worked better…for *you*. <u>Rita</u>: Yes! <u>Paul</u>: Because it would have been: "You're saying to me you'd be *teach*ing this guy," <u>Rita</u>: Yeah! <u>Paul</u>: And then you get to-- Just *us*ing the inflection you used without doing anything with it, it gives you the chance to *hear* it and *do* something with it.	Hearing how it landed, Paul reconsiders his intervention with Rita, in much the same way that Rita second guessed her intervention with her client, except she doesn't have the luxury of a debrief with her client. This exchange bears the quality of connected knowing in that Paul is seeking validation for his affirmations based on understanding Rita's experience. Paul's instinct to reflect is well founded and

<u>Rita</u>: Yeah. <u>Craig</u>: Paul, do you think you can give examples of how you would have said it reflectively rather than observationally? <u>Paul</u>: I just did. (laughter) <u>Craig</u>: Is it only one, because-- <u>Rita</u>: Well, it *was* the one where he said, "*You* felt that this guy had been *screwed*." I think that was the word he used. "*You* felt like he'd been screwed, and you didn't wanna--" <u>Paul</u>: …If you're *doing* it at least as a reflection, as a kind of a *pure* thing, I'm *not* going to infer too much. I'm *not* going to come to too many conclusions, I'm not going to-- The *ten*dency is not to name something she hasn't named. It's just to give a three-dimensional playback of it. So, what I'm gonna *do* is hear the importance of *teach*, which I did, because there was an inflection there, and there was a *lot* of	nurtured by an approach called "transformative mediation," which he also teaches, and unsurprisingly he is able to thoroughly explain the mechanics of it here to his colleagues. I see Paul as a highly procedural thinker, in that he painstakingly considers the process by which he arrives at an understanding. And while he is adept at, and frequently uses, a western white male epistemology of *separate* knowing, his mediation and debriefing practices emphasize connected knowing. His explanation of reflection here seems to be a blend of connected and separate epistemologies, in that he speaks authoritatively about the technique as an established external subject about which he is expert. At the same time, he grounds the knowledge in the current example within Rita's experience, which he sought to understand, rather than challenge.

de*ri*siveness in what might be the exact word in your use of the word "teach." So at a *pure*ly reflective level, without getting beneath it, at a *pur*ely reflective level, you're on the surface. "So Rita, you're saying if you *do* that, you'll be *teach*ing this guy." Rita: Yes.	
Paul: See? It's giving her use of the word…and her relationship [to it] back. Craig: Right. So if I go back, if I *may*, if *I* go back to the Terry and Lang stuff, I *think* they say don't do what you're now saying would have been better. I thought you did a *good* job, but I thought you were breaking some of the Lang and Terry rules in *doing* a good job, so I'm trying to figure out how the Lang and Terry rules work and whether we can make better ones. (laughter)	Craig, on the other hand, slips here into received knowing (though he doesn't always use this mode). He wants to understand what the rules are and whether or not we are doing them right. He is, however, aware that the rules can be changed and improved, indicating a procedural inclination as well.
Paul: It's not what *I'm* saying that works better, it's what I'm hearing *her* saying	Paul again evinces his emphasis on connected knowing within this context. He

works better. Rita: Yes, that was the thing that resonated most for me. Me: You're saying in terms of a reflective debrief?	defers to Rita’s experience, and strives to draw conclusions about what works or doesn’t work, based on her experience of his interventions.
Paul: Yes, because in effect, what I did-- Craig: Yes, ap*pa*rently they don't want us to ask questions, they don't want us to make *jud*gments.	Craig again is reminding us of “the rules,” demonstrating some receptivity to received knowing, or knowledge imparted by an authority.
Paul: When I took it into an observation in a question, because I *was* in fact ahead of you [Rita], I *tem*pered it to not get ahead. And in doing so, there was an opportunity that was lost for you, so that would be--	Paul’s response to “the rules” is to engage again with Rita, to explain his own gauge of their merit through connecting with her experience.
Rita: Yeah. I *think* also the question-asking, maybe this partly goes to…the whole *being* with your client, which *I* read from those rules, I thought *I* was the client basically in the debrief, right? Me: Yes.	Rita is trying to engage with Craig’s question, too. The interaction between members in the group expands each of their thinking about information they’ve taken for granted, the debrief “rules.”
Rita: So, I was bringing in something that was not particularly intellectual. I had a	Rita summarizes her own debrief by characterizing it as an ethical quandary,

problem with my *soul*, basically, the choices that I had made. *Sure*, there was an intellectual component of like, "Do I do this again if I'm presented with the same issue?" There was *that,* but I mostly wanted to debrief how I *felt* about the choice I had made and my conflict about it. I think taking a *ques*tion or observation approach, in *some* respects, didn't get to the part of what I was bringing up as nearly as much as a direct reflection did. Evelyn: It sounds like you were having a moral dilemma. Rita: Totally. Absolutely. Paul: Yeah, [the dilemma is]: who's the client? Is it the court or this guy? Rita: Exactly, yes. (Mixed Group, April 23, 2017)	not an "intellectual" pursuit. Even though the setting in which she works, and many attorneys with whom she works normalize rational and formulaic approaches to debriefing problems, she is able to say with confidence that this situation was a matter of her "soul." In this way, we can see again the primacy of ethics of care in Rita's procedural knowing, fortified through this conversation with her colleagues. She is able to pinpoint which of Paul's interventions was most effective in helping her get there.

Rita's dilemma manifested in different forms for other mediators who also found themselves torn between their practice ideals and extenuating factors brought on by the

setting in which they worked. These included time limitations, pressure to settle in order to satisfy an important referral source or to bolster one's reputation, and the imposition of adversarial or punitive norms by institutional representatives. In this scenario, it is clear that Rita benefited most from reflections (mirroring) in the reflective debrief, and from curious questions by her colleagues that caused her to externalize and clarify her process to a degree that would have been challenging to achieve on her own within a setting that is not conducive to critical reflection.

Critical Moment 2: Private Self versus Public Self

"She was so nice, but the second they got together she got really nasty. I was like 'Whoa.' That didn't make me feel good. There was something going on."

The category of "Private Self versus Public Self" refers to a frequently occuring critical moment, in which mediators sense the disconnect between their internal theories-in-use (private self) and their espoused theories (public self). The case example to follow is a rich illustration of this and also touches on the category of critical moment, "Effects of External Experiences." The group reflective debrief around this case demonstrates the possibilities for critical reflective practice when a group has established a high level of trust. While I am establishing artificial boundaries between case examples in this chapter, all cases triggered more than one critical moment, that – whether or not central for the debrifee – felt relevant for different group members.

Judgments

"Allen" was the newest of all the mediators in our reflective practice groups. He is a white male, and a relatively new law school graduate, who grew up in an attorney

family. Despite how much his upbringing had normalized the litigious process, he found himself uneasy with it, and became instantly attracted to the mediation route when, by chance through a friend, he had an opportunity to learn about it.

He had only mediated one case as a lead mediator, and he was the first participant to volunteer to be debriefed in his group. I got the impression that he volunteered in order to take the spotlight off of his colleagues who were hesitant to jump in ("Alright, we'll break the ice"), understanding that he had little to prove since everyone knew he was still a novice. He narrated his case at times with judgment, at times detached, and at times deferential to his inexperience. The variance in his telling seemed an indicator of his discomfort with the new mediator role.

I debriefed Allen about a case he co-mediated with his colleague, James, involving tensions between two safety officers. One of the officers – the respondent in the case -- was a supervisor. Though she was not the direct supervisor of the complainant, they sometimes worked together. Allen described the conflict this way:

> The complaint was that the supervisor had said "You people"…And she was from [place omitted for anonymity], white woman. [She was the]…respondent. The complainant was a black woman, younger, or younger than the supervisor, *but* they did not like each other. Which was, like-- of course, this is the first thing they said when they walked in, was: "We have no problems with each other," but there was something going on there. This was really my first [case], so [James] was kinda lettin' me play around. (Workplace Group, April 24, 2017)

Allen proceeded to describe how he and James mainly listened to the complainant, the younger black officer, tell her side of the story, and that the supervisor "just sat there taking notes, very quiet, kinda you know, like making faces, but letting the complainant tell her story" (Workplace Group, April 24, 2017). Allen's telling of the conversation between the two women soon betrayed his judgment about the complainant's behavior in response to the supervisor's controled demeanor. As he put it, "[the respondent] was interrupted constantly. The complainant really wouldn't let her speak and was being really condenscending, and it was just not great" (Workplace Group, April 24, 2017).

Allen identified the critical moment as the decision point about whether or not to take a caucus (separate meetings with each party):

> They were talking over each other and it just got to a point that it was being counterproductive to sit there any longer, so James just kinda looked at me [as if to say] "what do you wanna do?" I was like "Let's caucus." So that was our critical moment, that was *my* critical moment. And it all kinda flowed from there. (April 24, 2017)

Allen went on to describe the caucuses with both women, and I asked him reflective questions attempting to support him in articulating his interpretations of the women's behavior. Looking back on my own debrief questions, with the luxury I now have to peruse the transcript in detail, I think there is more I could have done to support Allen in becoming more reflexive in his responses. Perhaps because it was the first of our debriefs in the group, I chose to keep it at a double loop level of reflection about the

mediation itself, without introducing context, identity and power considerations. Other group members eventually chimed in with their own reflective questions, as they often did in this group, making it a reflective group debrief in the truest sense.

For Allen, what signaled a critical moment was the sense of "counterproductivity," a word mediators are well-versed in using, and which we often ascribe to frustrating cycles in conflict conversations. Expressions like "in a rut," or "stuck," may be used to mean the same dynamic: parties are repeating themselves but not succeeding in feeling understood.

Each mediator's threshhold for "counterproductive" is different, however, and a reflective exploration should help a mediator define the term for themselves with precision. I asked Allen, "So what was happening? What were you considering? What were your considerations in terms of whether or not to caucus?"

Table 8.4 – Allen A

<u>Allen:</u> Umm, well, personally it felt counterproductive. I don't think safety was an issue. They were just yelling at each other. I shouldn't say that. The complainant was very nasty to the respondent and it got to a point where it was bothering me because I thought she was just being disrespectful, but a*side* from	Allen's definition of "counterproductive" here seems to be the yelling, which he describes as "nasty." He seems to be working out how to express himself. He edits himself here apparently to say more honestly what he thought of the complainant's behavior. I can deduce his theory of conflict based on his judgments, his beliefs about how one *should*

that, nothing was getting done, and it kinda kept circling back always to the same thing, it was kinda looping. "I didn't mean that" or "I never said that." Yes you did. Really, nastiness. So, it just got to the point where I felt thank God James was like-- I'm sitting there like (body language of cluelessness) I don't really know what to do. Me: Ok, can you say more about "uncomfortable"? What exactly were the-- you said the yelling, the nastiness? Allen: The nastiness was making me most uncomfortable, because this was her supervisor, and I've observed a few of these now and there's like, just like-- people come in here and they have some *balls* the way they talk to their supervisors in these mediations and that's like a new thing for me to *see*. And that was probably the thing that got me the *most*. Like, you're gonna go back and still see this woman. I didn't *get* it. *So* that was what bothered me the *most*.	handle conflict, especially with a higher ranking person. With more trust I could also have explored whether racial or gender associations factored into his impression of the complainant. As it turned out, Allen named race as an issue later in the debrief. I attempted to support Allen in identifying clear behaviors and link them to his interpretations in order to then explore where those interpretations come from. We did not get to that final stage, however, which could have yielded a more critically reflective process. He says "the *nastiness* was making me most uncomfortable" but still does not define it. Allen is expressing his unfamiliarity with the behavior he observed in the mediation. In his personal theory of conflict, one doesn't speak disrespectfully to their supervisor. Allen is using a separate way of knowing in trying to make rational sense out of the conflict conversation, but unable to. Because of his sense of separateness, he doesn't seem to have tried to

What affected me. <u>Me</u>: So in your consideration about-- what was the reason that you had not wanted to caucus in itially? <u>Allen:</u> *Per*sonally, I-- think I've followed the lead here, which it seems like, we're not gonna default to caucus if you don't need to, [that's] *my* general feeling of it. I think James in the opening statement said something to the effect of "we might separate you guys, it's called a caucus, but you know, we're not going to do it if we don't need to." And at the [mediation center] they were a little more liberal with the use of caucuses, that's where I was trained. I don't remember it being-- it was kinda like if it comes up, it comes up. But I do kind of remember it being like "We might separate you, but if it comes to that it comes to that." So that was all. Nothing a*gains*t it or anything. It just seemed like it was the only thing to do.	understand the situation from the complainant's perspective, but is still seeing it through his own sense of normal. In retrospect, I think I could have asked a different follow up question, not focusing on the caucus, but rather on getting to the source of his judgments, helping him to become aware of where his notions of "right" and "wrong" conflict management come from. This could have helped him go to a critical level of reflection. Like many new mediators, Allen wants to resort to caucus when he feels helpless about how to support parties in getting out of a circular conversation. He speaks about it here in a received knowing way, referencing his training and understanding of appropriate frequency for utilizing it. In the mediation, he looked to James to give him the green light ("thank God") to caucus, realizing perhaps that he was using it as an escape from an increasingly uncomfortable exchange that he wasn't sure how to handle.

<u>Me:</u> What were you hoping would happen as a result of the caucus? <u>Allen:</u> I hoped we could learn more about the complainant because she wasn't giving us the mediators very much while we were trying to have her tell her side of the story and ask her questions and to that effect I think it worked. I *think* she became much more open to us when it was just the two of us, and-- then she started crying like out of *no*where. She certainly shifted from that point on, she was a lot less defensive, a lot less aggressive, and when we brought back the supervisor after and caucused with her, it was definitely different. (Workplace Group, April 24, 2017)	Here, I'm hoping Allen will become more conscious of the governing variable behind his choice, whether it was an escape or something else. He states that the purpose was to learn more about the complainant, "because she wasn't giving us…very much." What Allen expects the complainant to "give" the mediators would also be useful to pursue. She had in fact talked a lot during the joint session, but not "giving" in the sense that Allen idealized. His characterization of her behavior as "aggressive" and "defensive" betrays judgment and tells us again that he approached her with separate knowing, distancing and extracting himself from the object known. Allen's words reveal his discomfort with disturbed expectations about "right" behavior, over which he had no control. King and Kitchener (1994) and Perry (1970) link this intolerance for grey areas with more binary ways of knowing, also typical of Belenky et al.'s received knowers.

As his mentors, other members of Allen's group chimed in very naturally to support him in getting clearer about the mediation. When Allen mentioned a feeling he had had, Uma's curiosity peaked:

Table 8.5 – Allen B

Allen: [The complainant] was so sweet, I remember, in the morning before we even started. She was so nice, but the second they got together she got really nasty. I was like "Whoa." That didn't make me feel good. There was something going on.	
Uma: How *did* it make you feel? I mean like, *what*? Allen: (shrugging) Oh I don't know..I guess like tense (saying it in low voice), wanting to throw my hands down and say, "Cut this shit! Why are you *here*?" And I think at a certain point I might've even like, I didn't say *that*, but it was getting to a point where I was like, "Do you guys *wanna* be here?" You know, where I was [thinking] like... "You don't *have* to." But that's where I	Uma is often tuned into her feelings when mediating and debriefing her own questions, so this question was in keeping with her interest in bringing in her full self. Allen starts to talk about his feelings explicitly, but evidently feels uncomfortable doing so and soon switches into his *thoughts* instead. Allen does express some reflexivity, "that's where I know of myself," where he's trying

know of myself, *that*'s the thing for me, where I was just like "You guys are wasting your time, you're wasting our time, you're wasting the city's time, you know, what are you *here* for?" So thaat, is for me, the biggest thing. (Workplace Group, April 24, 2017)	to convey that he personally, has limited patience for what he sees as "wasting" time. We can infer here Allen's "shoulds" about mediations and conflict: that parties should speak in ways he considers constructive and respectful (e.g., not yelling, not interrupting, not repeating themselves).

Although Allen identified "counterproductive discussion" as his critical moment, it became clearer over time that the underlying critical learning related to something more fundamental. Allen clearly struggled with the judgments that came up for him during the mediation, both in terms of making sense of the conflict, and surrounding the disconnect he felt between his personal theories conflict and his impression of how a mediator should respond to conflict. I explored this with him in the debrief:

Table 8.6 – Allen C

Me: So…is there conflict between the *you* answer and the *you-as-mediator* answer? What's the difference?	
Allen: Yeeeah, definitely. Just, you know, in terms of body language and almost	Allen here is very explicitly describing the disconnect between his espoused theories

everything that comes out of my mouth, hide it as much as I can. Um. You know, there's definitely conflict there. That's why I got into this, 'cause, um, I just think there's better ways to kind of resolve our differences that *don't* go to litigation. I'm coming at it out of law school, so that's number one, but I also think if you're gonna take the time, these people are courageous to come here and face the person they're having a problem with. I don't know that I could do that, so I *do* have a ton of respect for that. And at the same time, once you're *here*, like, cut the shit. You did the *hard* part already, so that's where I come from. So yeah, checking myself, that's like ..in my limited experience, that's a ton of it. (Workplace Group, April 24, 2017)	and his theories-in-use. He knows that conflict is to be expected and that having a forum in which to navigate those conflicts is important, especially as contrasted to what he wants to leave behind, the litigiousness of the justice system. At the same time, his theory-in-use about conflict tells him that it should look and sound a particular way, that there are acceptable and unacceptable forms of it.

Uma then, bringing it back to the internal reflection, asked Allen, "In your gut, did you feel like you were able to do what you were there to do in the room?"

Table 8.7 – Allen D

Allen: Um. Not *real*ly. Umm. Because I don't know, the complainant..like because she kinda like 180'd in the caucus, broke down, I'm *sure* there was more that we could've gotten out of her, *um*, so.. and like because of the history of these two people, like they *had* had issues in the past, and they *had* an agreement sort of, like this woman wasn't going to say what this colleague interpreted as racial speech. She kinda had tried that and it didn't work out the first time and it led to a blow up at a school, so.. I don't know that I could really answer that, I mean, they left and we haven't heard back (chuckle) so I *guess* that's good, but like I said, my goal was pretty bottom line, like just leave, if you can leave and coexist like I'm good with that and I know people who feel that that's not *enou*gh or whatever, I don't know.	Uma's question spurred Allen to get a little deeper in his reflection by looking beneath the surface of the presenting conflict. He acknowledges that there is a larger context to it, there is a history, and hypothesizes as to why the complainaint did not mention race explicitly, seeming to indicate that *he* understood the issue to be about race. He still has an extractive approach, however, about what the mediators could've "gotten out of her." This is language betrays instrumental or competitive aims (separate knowing), rather than connected. Again, Allen's theory-in-use (his working theory of conflict) is running up against his awareness of how he *should* think. He starts down a road of connected knowing by expressing what might lie behind the parties' extreme mutual dislike, but his

(Workplace Group, April 24, 2017)	dominant theory of conflict – that people should just "leave and coexist" despite all of this, indicates a view that some grievances are not worth getting too worked up about. His theory of conflict management is different from the client's.

Finally, Robert, who is the Workplace Group's supervisor, asked Allen a question that brought him to a place of deeper reflection and invited a broader conversation, manifesting the value of multiple and diverse perspectives. As more experienced colleagues who were apprenticing Allen, the team supported in gently helping him come to his own understanding, without inflicting judgment.

Table 8.8 – Allen E

Robert: So, if you were omnipotent puppet master, do you have a vision of what this would look like if you scripted this for them? Who would be saying what and doing what?	Robert is trying to understand the "shoulds" in Allen's mind as he analyses his case.
Allen: I can't tell someone how to feel and this is a part of this [agency] stuff that I'm a little uncomfortable with, because like,	Allen is still perceiving the "official" case as different from the personal conflict. His statement here seems to indicate that he

there's a different thing between a substantiated [agency] complaint and like if someone feels discriminated against, so I'm not gonna tell…or like, or I'm not gonna think that like a black person should not feel a certain way. Everyone's entitled to feel that way. You know, like, the person who tries to be like a rational person..you know.. I hope you can find a place…where that doesn't bother you, but that's not for me to say, so.. Robert: But do you have a vision in your head for like, if you could do this in a way that would be great? Who would be doing what and thinking what? Allen: Umm. I would have to say to both, you know, 1) if it's me, words aren't all that important. Sometimes you have to let certain things go. Robert: That would've been the complainant. Allen: Yeah…sometimes people say things	views mediation in a more compartmentalized way than his colleagues, where some things are appropriate to express and others not. Here is Allen is grappling with knowing that he can't fairly judge the legitimacy of a race-related grievance, because it is someone's real experience, but from his vantage point, a "rational" person should be able to let it go. Again, he is experiencing a disconnect between his theory-in-use and espoused theory, and between his theory-in-use and the party's. He knows what's "kosher" to say within this mediator group, but it isn't what he fully believes. Robert presses Allen to articulate his expectations, and Allen again tells us that he believes people should "let certain things go," implying that the complainant in this case should have done so.

and umm-- you know, sometimes you gotta let things go. OK, supervisor, is it that hard to not say something that you know upsets someone? I mean, when you break it down to that, for me, it's like incredibly simple. But also like...that's not how it works! From experience, I can tell you that I wouldn't even buy my own advice. But if I could just have like-- it goes back to civility. You've heard from her that she doesn't like when you say that, you've heard from her that she doesn't mean anything when she says that. Like those are pretty, those aren't mutually exclusive. You can both operate in your worlds, one not being a racist and one not being sensitive about everything. So, that's my ideal…But again, I'm not also in a position to tell someone how to feel.	Allen's internal struggle is becoming evident through the debrief. He is aware that people handle conflict in different ways and that he cannot judge another's experience, yet his sense of judgment is very strong. This variation is what will eventually get him to a new place of understanding, likely with more exposure to conflict conversations and debriefs with his colleagues. His own standards of how to handle conflict are still the dominant frame.
Robert: I asked that question because I sometimes have a vision in my head for what I wish had gone this way or been like this…But whether that's my vision, and	Robert wants Allen to understand his motive for asking him to think about his ideal conflict conversation. Robert teaches mediation and this is the type of question

whether that's how it should go or not, that can obviously affect what we do and how we feel about the process. If we have a vision and the vision isn't fulfilled, "Well, that wasn't a great mediation" and that may be very unconscious.	he asks new mediators in supporting their learning.
Allen: I'm sure that is exactly why it played out the way it did because when you hear in the case development that it's about something that was interpreted as a *slur*, I'm already thinking, like alright.. so, this is like the times we live in. That's like judgments and assumptions. I *think* in the room I did a pretty good of really centering myself and	With Robert's help, Allen is able to acknowledge that he was predisposed to seeing the issue as a racial one in the context of the racial tensions in our society today.
hearing it. That wasn't even so much the issue it seemed like in the room. it was like this respect, and this history. It wasn't about the words…	Allen concludes that the words were not the issue as much as the larger story. He's able to, again, make steps to see the parties now within a wider context, to exercise reflexivity.
Uma: I was thinking something…early on when you said that "I can't believe that people talk to their supervisors that way."	
Allen: I'm still kinda hung up on that.	

Uma: Yeah…I was just thinking about when you were saying that, I was like "Right, I remember when I used to think like that, even like before I was a mediator, in a workplace." I remember it's because I was new to the workforce, so you don't know what the rules are of the workplace. There are often these things going on that I remember being completely shocked to find out…because I didn't understand how to define the rules of the workplace at that time in my working career. Now I feel like I can gauge it, it's more palpable, I can articulate it. But when I *first* started, you know, you're just coming in from whatever your experience is, which is like learning and some exploration in the world into this like structured place where there are so many things going on that you don't understand...	Uma here tries to support Allen by relating to his struggle, and remembering her days as a new employee. She describes the disorientation and shock she often felt in a setting that felt new and foreign to her. She is trying to relate her experience to what Allen may be going through as a reminder to him that the unfamiliar ("shock") may normalize over time.
Robert: You know the employer, subordinates saying things to employers..	Robert also wants to put the complainant's behavior into context for Allen, who

I've been in this workplace a long time. I don't think they generally say them in the workplace, because they get written up for it. So when they say it *here,* to me, that's a good thing. Allen: So it was a great [case]. [I'm the] safest person ever. (laughter)	doesn't have more cases to compare this one to. He wants Allen to see that expressing one's grievance is actually preferably to suppressing it. Allen is able to find humor in the intensity of the exchange he mediated, maybe indicating that he feels less worried that high intensity conflict ("nastiness") is a sign of poor mediation, or abnormal clients.

Allen's language shifted little by little in speaking with his colleagues whose experience afforded them, and now him, a wider and more forgiving lens. He was ultimately able to speak to both his strengths and weaknesses understanding from his co-workers that he was not alone, and his experiences were familiar to them.

Understanding

While Allen's experience provides an example of the disconnect between private self and public ("public," in this case, being Allen's notions of "mediator self"), James, who had been quietly listening to Allen discuss their mutual case, had a very different experience of their clients' behaviors. As a long-time mediator and a man of color who grew up in the same city where many of his clients come from, James holds an intimate understanding of their struggles. More in tune with his clients' experiences, his attitude is one of kinship

and compassion. The complainant's "counterproductive" behavior resonated with him as a manifestation of suffering. After Allen's debrief had concluded, James shared his own reflections with the group:

> I've been trying to think about this, it's been a while (low voice). I think from what I recall, that it was less of, "I haven't gotten out in [haven't experienced] the workplace." It was more of a woman of color saying, "I know what you're doing, and I'm not going to allow for you to do this to me." That was: "And I'm not afraid. You could be a supervisor, whoever you are…" It was more of *that*, than feeling like, you know, "Here I am, I have an opportunity to express myself so I'm doing it." And I *think* that that behavior-- the more that we do this group stuff-- it's especially my having worked in [where I'm from] and how people talk to others in the workplace, it's not uncommon for people to say, "I'm fed up" or be completely inappropriate…They come, you know, for different reasons, you look at the stages that people are at in their lives. They've been broken down just trying to get their lives together in certain ways. That's more of what I'm resonating with, that there's a lot of suffering in [these agencies]. Or at least people that have been in [these agencies] for a long period of time and have not been able to move forward, or have felt overlooked in some way, or just don't care no more, *tired*, no boundaries…
>
> (Workplace Group, April 24, 2017)

Unlike Allen, James' public/mediator self did not stand in contrast to his personal beliefs about conflict. His reflections throughout our reflective practice groups often

steered in the direction of illuminating the contextual realities of mediation clients. Though he is male, his connected experience as a person of color who grew up in similar circumstances to many of his agency's clients, influences his way of knowing much more than the western white male epistemology. James has a clear awareness of the "knowledge of subjugation" by which many of his clients operate, the need for subjugated members of society to insist on their own existence through whatever means necessary (Collins, 1999). His presence in the group was especially important when fellow mediators analyzed their clients' behaviors acontextually.

Takeaways

Allen's first case experience is not unusual in my experience working with novice mediators. He vacillated between two very different theories of conflict, the one his life and work experience had taught him so far ("Let it go") and an idealized mediator theory of conflict, where intense and confrontational conflict is normal and met without judgment. While he espoused the mediator support role, in the thick of the conflict conversation, he experienced a level of discomfort that did not allow him to empathize with the agitated party and jeopardized authentic impartiality (or "multipartiality"). The distance between what he felt internally and what he believed he "should" do as a "good" mediator meant that he put most of his energy into "hiding" his internal conflict, as he put it.

James, on the other hand, did not feel this type of agitation during the mediation, because he had seen volatile dynamics many times before, and he understood its origins and justifications, particularly for clients of color who are regularly discriminated against.

The reflective practice group dynamic contributed to shifts and learnings here in a number of ways. My own starter debrief centered on specificity. For instance, I asked Allen to get specific in defining a term, "counterproductive," since his assessment of the conversation as counterproductive constituted his critical moment. I also asked Allen to consider the actual impact of the intervention he chose, the causus, what did it *do* specifically and what had he hoped it would do. As in other debriefs, my interest is in working either inductively or deductively with colleagues: working backwards or forwards to or from their interpreted meanings to identify observable behaviors or felt experiences that constitute evidence for their claims.

Allen's colleagues also attempted a number of openings for him through the reflective debrief. With patient questions and observations, they generated reflective questions or comments that helped him put his experience into context. Robert did this by asking him to think of the "ideal" scenario he had in his mind and to consider that the contrast to his ideal was in fact not very uncommon. Uma supported Allen by validating the importance of the feelings that came up for him (e.g., feelings as valid info), and also by sharing the similar insecurity, shock and disorientation she had encountered in a new work environment, while assuring that it was a phase and could be surmounted. Finally, James' integrated private and mediator beliefs allowed him to speak authentically to the contextual reality of being a person of color in the United States, hopefully spurring greater empathy in Allen for the challenges that his current and potential future clients experience in their day-to-day lives.

Chapter 9 – Critical Learning Moments: Effects of External Experiences

This chapter concerns times when mediators' outside experiences, whether personal or professional, competed with their mediation training guidelines. I focus first on Robert and James who, in addition to being long-time practitioners, also train new mediators. In moments when they have improvised, relied on intuition or taken risks in practice, they have been conscious that they would not readily recommend those practices to their students. At the same time, they are able to justify their choices to deviate from "the script" based on their lived experiences. James' lived experience, as we saw in the last chapter, especially frames the way he understands his clients and his decision-making in supporting them.

In addition, I highlight three examples of mediators whose work with other modalities enhance or sometimes complicate their choices in mediation practice. As in all examples, they may illustrate more than one kind of critical moment, since multiple learnings and dilemmas may arise simultaneously within any given case. Uma's case in particular, easily illustrates the deep impact of lived experience on her practice as well as the challenges of shifting between two very different modalities.

Critical Moment 3: Lived Experience versus Training

For me, it is an unknown. I don't know, but I'm okay saying that. What I'm going to try to do is try to be help*ful. If something comes up for me at the moment that reminds me of something that I over*came*, or*

that I've seen other *people overcome, or that I think I can share in a way that's strong but loving, then I'm going to do it and I'm not sure what that's going to do…*

That's the stuff that…comes with time *and with* experience.

Risk-taking and Intuition

Robert experienced a critical moment when he observed his co-mediator, James, successfully intervene in a way Robert would not have felt comfortable doing himself during one of their co-mediations. The case involved two co-workers within an agency, one a male supervisor and the other a female supervisee. Robert gave the context of the case, that it was an ongoing situation, involving multiple sessions, and that the two parties were very different in how they expressed themselves. The female was very emotional and described herself as such, the man was "just more cerebral, about dumbing down emotions…more rational," as Robert put it (Workplace Group, May 31, 2017). Their conflict related to the supervisor's comments on the supervisee's work evaluation saying she needed to get along better with her co-workers. At the mediation the supervisor had started by saying that, though she was a good worker, there were ongoing personality issues that were problematic.

Robert noted that "objectively [the supervisor's complaint] didn't sound very critical, but [the supervisee] got very upset – 'what did that mean?'" (May 31, 2017). Their conversation in the first mediation, as Robert put it, "went five hours of back and forth, back and forth, no one's making acknowledgements," and there was little movement.

The critical moment for Robert came during the second session when once again parties "went a couple hours doing the same thing, really, just fighting with one another," according to Robert, "…and the strawberries [on the table] sat there untouched" (Workplace Group, May 31, 2017). He described how the supervisor finally came to a point where he acknowledged he may not have acted in the best way, and Robert thought surely this moment would lead to a shift in the conversation, but it did not. The supervisee held on to her hurt, and their argument continued. So Robert attempted a standard intervention to "generate movement," gently reminding parties that at some point they would need to move forward rather than remain in an unresolvable blame game. His intervention fell flat, however. It was James's intervention that ultimately created the shift, when he directly said to both parties: "Maybe this relationship has to end. Maybe that's the conversation we have to talk about." Deadly quiet followed his comment, then a break, and when everyone came back, to Robert's amazement, parties began to open and discuss the "systemic issues," as if to affirm that ending the relationship was not what they wanted; they both understood they were subject to larger workplace constraints and that the other person was not really the problem.

Robert confessed that he would not have been able to make the statement that James made as naturally as he did, that he would have to have been "in a different place" to do so. "I felt like that," he said "because it landed hard on my ears, not in a harsh way but just the reality of it," and yet he was stunned by how immediately the parties became aligned with one another afterward (May 31, 2017). Robert was not used to naming the reality of parties' divisiveness, at the risk of embedding it. After the shift, the supervisor

and supervisee reached for the strawberries on the table, an action Robert and James interpreted as parties letting down their guards.

This case led to a lively, broader conversation in the group about the role of authentic presence based on one's lived experience, our capacity to relate to parties' pain through our own pain, and when to override training directions in response to one's intuition. The telling of the case was interspersed with group conversations that I continued to facilitate reflectively to support group members in getting clearer about the beliefs underlying their choices in practice. These conversations revealed a lot about the personal epistemologies of each person.

James's connected knowing and ethics of care and accountability, in particular, were very evident in the way he spoke about his choice to "veer away from training." The following is part of the exchange where he tried to explain his holistic perspective:

> James: In this room you meet all kinds of people with all kinds of struggles. There are certain things that you can tell that they can work on in this room and be okay, and then you know that there are certain things that are going to need some ongoing support. And I'm not afraid to then share how *I've* had to have ongoing support to try to be a better person and that asking for help is okay…[How I know] that I'm not off is that people want more, people want that second session with you, people call you when you're outside of the mediation.
>
> …[Mediation is] not like law. It's not black and white, but that's what makes it also very controversial. [People think,]"What the hell are you guys doing in the room? Is it therapy, is it this, is it that?" There's a lot of things and--

<u>Me:</u> Right. So you're all the time deciding what your role is gonna be, although we *have* established rules for ourselves, although I've *not*iced that sometimes that isn't *clear* for mediators--

<u>James:</u> But that's a good *point*, because in *my* mind I'm not stepping on and saying "Now I'm not a mediator." I'm *always* holding myself as a mediator. Mediators do a lot of things though, you know what I'm saying? I mean, if you want to think that a mediator does a certain thing, I don't understand what that is. I kind of understand it and I don't. I don't wanna be in the extreme left and extreme right.

I don't wanna be an extreme mediator that's evaluative and I don't wanna be an extreme mediator that is focused, like, on transformation. I wanna be an individual that can facilitate and can tap into *all* the different things that are available, if it's going to help the parties at different *mo*ments. *That's* the stuff that I was saying comes with *time* and with ex*per*ience and with *co*-mediating with other people that, you know, have different pers*pe*ctives and styles.

For James, the needs of the parties, as he understands them in any given moment, are what guide his choices. Sometimes those needs require him to do something different than what his training taught him. Robert and James elaborated on what indicates to them that it's okay to take a risk, or to rely on one's intuition with parties:

Table 9.1 – Robert and James

<u>Robert</u>: James said that sometimes you just take a risk. Sometimes it doesn't resonate,	

so being willing to take those risks and put yourself out there-- I'm thinking also about your [Rochelle's] question of how do you know when the moment arrives and I'm not sure, some of it is a matter of intuition.	"Intuition" was the word group members used to refer to knowledge based on lived experience. Yet, in discussing the use of intuition mediators recognized when it was appropriate and when not. Here Robert is discussing it as a way of knowing that only comes after one has solidly understood the foundational principles of mediation.
For beginning mediators, you want neutrality to be one of the key legends of being a conflict resolver, right, and you want that ingrained, so you don't want people already testing those boundaries when they've not even been in the road very much and feeling how important it is.	
So that's where mediation experience helps us identify where we can do these things, make these interventions while preserving neutrality and balance because I think this, when James and I-- we've done a lot of mediations together. We have our way of doing it. There will be a hybrid of our coaching, talking to being conversational, not stuff we would teach, but that comes from time experience.	

But I think when we're done, I don't think we get feedback [from clients] that "Oh, you chose a side." There's a way to do this while people are still feeling that you haven't picked one side over the other. When James affirmed [the supervisee], it didn't feel non-neutral, it just felt human. It just felt like, "Look it's okay. You've got to step back from it and take a breath. You're not doing anything wrong. We're just-- this is tough."	Both James and Robert emphasize that they know they are safe going off script when parties don't respond negatively to their improvisations. Being "human," in the face of clients' frustrations, trumps going by the book.
James: …For me, it is an unknown. I don't know, but I'm okay saying that. What I'm going to try to do is try to be helpful. If something comes up for me at the moment that reminds me of something that I overcame, or that I've seen other people overcome, or that I think I can share in a way that's strong but loving, then I'm going to do it and I'm not sure what that's going to do. What invites that? It's a lot of things. It's not-- this is what makes it hard because	James acknowledges that he is comfortable with not knowing, he is comfortable expressing vulnerability, even as as seasoned mediator. His way of knowing is by connecting with the experience of the person in front of him, and using this connection to dictate his response. James says "it's not one thing" that guides

it's not one thing. It could be my own frustration, my own sensing like, "I'm not doing something right" or they're further apart, my own impatience. It could be the silence that happens at one moment that teaches me to sit with what's going to come out…	him. He doesn't operate by formulas.
All of these actions though, which is what Robert was touching on-- that I am solid with these principles that we were talking about before. That's where it's not just my life experience. You know what, there's a lot that I've learned about the mediation room and the principles that have helped me to convey this in a way that's still balanced, that's still not about telling people what to do and not to do. It's still not advice, it's still not suggestions. …But like Robert said, this is not happening at the beginning. This is not happening in every mediation. When you were asking about when do we know when	James wants to clarify, too, that he is not entirely acting based on his lived experience. He keeps the principles of mediation in sight, and uses his life experience to their end.

it's right or when we're doing the right thing for the parties, I think one thing for me is that the parties always let you know. Also, I've got to speak for myself but I always like to give a lot of room to get that feedback…You let those kinds of questions sit there and let the people open up and from there, there's a lot of listening…There are questions that we're listening to understand. We're helping-- we're trying to shift-- help people shift perspective by talking about conflict, by talking about experiences we've had personally. (Workplace Group, May 31, 2017)	Again, James notes that going by one's intuition does not exempt one from being fully tuned into clients' responses and needs. These come first, and dictate when to veer from standardly taught practice.

Takeaways

A recurring theme for members of The Workplace Group resonated with Collins' depiction of "lived experience as a criterion of meaning," where wisdom becomes more important than knowledge (Collins, 1999, p. 257). It is likely that the Workplace Group members recognize that the epistemology of lived experience is also common to their

clients, and that their effectiveness as mediators requires them to step out of their mediator cloak – stages and procedures – to bring some of themselves in as well.

James' comfort with taking a risk in the case described above stemmed from his self-perceived role as a mediator who helps and is responsive to parties. In other discussion about what motivates him to improvise with clients, he phrased it this way: "

> You're not [in the mediation] just as a *brain*, you have all these other *parts* of you as a *hu*man that can be *help*ful if you're *lis*tening, not just to what's being said, but how it *feels*, but how people are *look*ing, how *you're* feeling, and how do you build trust? You're *open* and you're *ho*nest. Just be *ho*nest with people.
>
> You *lis*ten and you *look* at them and you pick up so *much*. You *feel* when parties are connected with you, because now they're *lea*ning, and now they're *talk*ing to you, and now they're looking for you, and now they want you to take their *si*de. And there's *so* much momentum that you can use that with, "Just trust me, sit with this," where you can *help* a person that's struggling with their own emotion.
>
> Like, who teaches *that*?...To me, *all* of that is mediation, because if it's not, then, what is it? We're not Wild Wild West out there, we're still trying to stay balanced. We're still going back to the opening and reminding parties [of the principles of mediation]. I *still* remember those things. They're just e*vol*ved tools. (Workplace Group, May 31, 2017)

During the same session detailed here, fellow mediator "Heather," listened thoughtfully, evidently considering where she fit on the spectrum of reliance on intuition

or lived experience. She expressed, with evident humility, her risk-aversion in comparison to her co-workers. They immediately bolstered her by pointing out the positives in her structured approach:

> Heather: I don't know if I go off script that much. I don't know, you both (turns to James and Uma) have mediated with me, so just tell me if I'm just not noticing something. I think I *am* a little bit more *risk* a*ver*se than my colleagues (chuckles) in the room. That's why…I really *love* co-mediating, because I *know* that I'm, like, more cautious than others so it's really helpful, and I've *lear*ned a lot, I think, from co-mediating with other people that *do* take more risks. I *thin*k (speaks slowly) I stick to the process probably more than others.
>
> Uma: And I so appreciate that because for me, you know, that's the thing to practice *more*. Because of Heather, now I know, the *pra*ctice of writing each thing *out* and I do it in my head and I trust it and it's fine, but there *is* so much value to doing it explicitly every time, and *that* I know came from *si*tting with you so many times, seeing you stick to the process, even when I'm frustrated that you're sticking to the process too much (laughs).
>
> Heather: Yeah. And…I'll pay attention to it more, but I think I *do* rely on it more. But I rely on the *listening* part. That's where I like spending most of my energy, which *might* be intuition. Which might be going off script in the sense of where I place more value, and I place a lot of value there.
>
> Robert: Yeah, I was going to say I don't think of it as being overly *cau*tious. I think it as just what you're saying, which the *"script,"* so to speak, or the *stru*cture is the

cumulative experience of lots of mediators and what's developed in the field so there's value, right? I think there's value to the structure, to the process, to the *key* principles. So you may be just more *tru*sting of the process.

Heather: But a*no*ther thing that I've noticed along that vein, when I was talking to you [Rochelle], is that I *have* gone through like a *ton* of training, so..it makes sense. So…even if it wasn't training that I was *ta*king, I *sat* and in so many *basic* mediation trainings…as a support [person]. So…where I'm coming from is so much more than just a 40-hour basic [training] which is where your [Rochelle's] questions are coming from…I think that *stru*cture really comes with having ad*van*ced exposure, not just in the room, but to *tra*ining also.

(Workplace Group, May 31, 2017)

Heather identifies extensive exposure to training as the primary influence on her choices in practice. Rather than prompting her to confidently stray from her practice, she became more trusting of training guidance. It is likely that Heather is also more comfortable in received knowing than her colleagues when it comes to practice, perhaps because her lived experiences in conflict have not been more significant than her conflict exposure through the mediation context.

Other mediators in other groups expressed different threshholds for taking liberties in mediations. Evelyn, from the Mixed Group, said that she did not like to stray much from the best practices she was taught. She tries not to share personal information with clients, for example, because it so easily leads to her becoming too involved in the parties' stories; she tries to "keep a professional distance."If she does slip into sharing, she

tries "to make it educationally oriented" and make sure it brings in something for both sides (Interview, June 15, 2017).

Evelyn notes, however, that there are exceptions when she conducts parent-teen mediations. Whereas her normal practice is not to ask too many questions, her experience observing another colleague work with youth, taught her that asking young people questions is necessary to draw them out. She took it upon herself to learn how to ask questions in such a way that does not come across as "somebody's mother"; she tries to be more informal and conversational, to the point that her questions are sometimes about things very unrelated to the conflict at hand. For instance, she might ask about a young person's hobbies or interests, or simply ask "How are you doing today?" (Interview, June 15, 2017). Evelyn also makes more space to meet with young people separately if it seems they are intimidated to speak in front of adults.

Evelyn is mindful of not falling into the norms of other jobs she has had, parent advocate and case manager. She tries to keep her eye on the role of simply helping parties talk to one another (Interview, June 15, 2017).

There were times in our sessions when reflective conversations revealed ambiguities in mediators about how much to adhere to training norms versus deferring to their intuition or experience. Another mediator in the Mixed Group, Craig, shared a critical moment in one of his cases that left him unsure how to proceed. He was trying to decide whether or not to have a pre-mediation session when it was not the norm of the mediation model he practiced. He initially defaulted to asking advice from many colleagues who practiced the same model, and eventually considered asking the originator

of the model for "permission." Then, he had an "aha" moment of realizing he did not *need* permission, he was his own person, the trainer did not "own" him, and his job was to act in the best interest of the parties. He decided to proceed with a pre-mediation session and ultimately felt it was the right thing to do. This switch from received knowing (very much the norm in his attorney work) to procedural knowing was important for him, particularly since the case turned out favorably.

In the case debrief detailed above, James and Robert were both fairly reflective individuals who did not need much prompting to problematize their thinking. Being one another's co-mediators also meant that they could work as a reflective pair, making meaning together. James, whose lived experience is very different from Robert's, had cause to explain his motives explicitly, and Robert had cause to curiously wonder what allowed James to make a risky and direct statement to the parties, when he would not have. In many examples, mediators gained confidence in "going off script" by observing others do so, or through conversations with peers.

Critical Moment 4: Mediation versus Other Modalities

That [trauma] training really highlighted how present you have to be when you're doing processes such as mediation or circle, 'cause if you're not, then you could be-- I don't wanna say you'll muck it up but you really could, *because you may* think *you see or hear one thing but it's really something else. So it's really attuned me to what to pay attention to.*

I was worried about whether I could be present for the mediation…like if I was annoyed and overwhelmed by her [during the coaching process] then I was wondering if I could be of support in the way it's asked of

me. And that's such a different thing that's asked of me in the mediation room than is in the coaching or just random phone conversations, you know.

Understanding the effect of other modalities on mediation practice requires also understanding how mediators relate to what they were taught as "mediation." So far, I have talked about mediation training as a mark of the "mythical ideals" one is taught to follow in practice. In Allen's case, he referred to his mediation training as a means of gauging the rightness of his intervention choices. James and Robert talked about what they teach and don't teach to new mediators and how this compares to what they actually do. In many instances, however, mediators also override their mediation training through the influence of training in other modalities; in our groups, these were mainly restorative justice processes or conflict coaching processes. Practicing other modalities introduced new ways of coping with situations that were not adequately addressed by mediators' trainings. Sometimes, too, mediators mixed and matched modalities, and experienced critical moments in considering how and when to do so.

When Mediation Training Isn't Enough

"Sherry's" situation was very different from that of others in the group, because she works within a school. Unlike most other mediators, her cases are spontaneous, and her relationship to her "clients" is intricate in that she is a regular member of the school community. She builds long-term relationships with students, teachers and administrators, and necessarily sees each case as much more than just an incident. Often, she has had multiple diverse interactions with students within other contexts and knows a lot about their personal or school-related history. Sherry's observation was that mediation

was not very effective in the school context, and even at times, detrimental. Whether in her own experience or through hearing about students' experience with other mediators, it was clear to her that mediation skills and process alone were not adequate for types of critical moments she faced. Though she is employed by a mediation center, she saw that crisis situations in the school community needed to be addressed through a whole package of resources, from which mediation was just one option.

The following excerpts are part of an reflective interview with Sherry, not part of a specific case debrief, but I found them useful to illustrate her wide lens in search of resources in a difficult working environment. Here she talks about her need to draw from other trainings that offered more relevant support to her practice:

Table 9.2 – Sherry

Sherry: At school, I'll be very honest, I haven't done many mediations in a while…I have been mainly doing coaching and circles. And I use the therapeutic intervention strategies that I learned as far as de-escalation. And…trauma informed trainings, to kind of listen, recognize where my clients are, where my participants are. Me: In what way? Can you give an example?	Sherry might be uncomfortable with revealing that she no longer relies on mediation as much as other processes, because she knows that our reflective practice group focuses on mediation practice. Unlike others in the group, she does not identify primarily as a mediator.

Sherry: Sure. So, one thing I learned from [the trauma training organization] is kind of checking myself, when I'm being more reflective with where I'm at when I'm about to handle the conflict process. Or since I was going to school and working with a student who may not be at "base levels" [the term] they used in the training, which is funny. I took the training last summer, I found it informative. Because I said, oh	Sherry recognizes benefits from her external training, namely how it has helped her to see participants in her processes as full people with histories and challenges specific to their environmental challenges.
wow, this kind of ties in with the circle work and conflict coaching work. Mainly circle work and mediation or restorative conversations. Because if a student or a participant is not ready to have that conversation, then we shouldn't have a conversation. And even when they're ready, you have to be very careful of how you approach both. So I don't really do a lot of co-mediating at work, at the	Sherry is understanding that conflict resolution processes may not be right for everyone even though the dominant theory of conflict resolution in mediation is that talking problems out is a always a good thing. By virtue of her place in the school, her considerations are necessarily wider than the conflict itself.
school…I'm working with another guidance counselor or an [assistant	Sherry also undertands that much of her responsibility goes beyond "script" to

principal], I try to check in with them beforehand. So we know-- not script wise, but how we are going to approach the students together. So that people will feel heard and people will feel comfortable to speak. That's what I've become more attuned to since taking that training… One of the things that the training's kind of fed back into the practice of when I do conflict work or circle work, Which I noticed recently, is I check emotion. I listen to emotion in conversation. I forgot how that was weaved into my training. But there's something in it [the training] about listening to boys or checking the emotion of the participant…and that has been extremely helpful to me because when I listen to someone I try to hear and then reframe or, you know, what I'm hearing, like the feeling around it. That training really highlighted how present you have to be. When you're doing	working holistically with other adults in the school in understanding student needs. Her primary goal is that students feel heard, not that they go to mediation. This approach is very different from one of "selling" mediation, which is very commonly an underlying governing variable for mediators who identify mainly with that modality. Sherry, while apologetic for not mediating much, understands it would be limiting and disconnected to adhere only to one process, especially if, as in mediation, it is not designed for ongoing relationships between practitioner and client. Though mediators focus on feelings to various degrees in their practice, Sherry prioritizes it, and she makes special mention of "listening to boys," likely understanding the extra challenge boys of color have in their school and home contexts.

processes such as mediation or circle, 'cause if you're not then you could be-- I don't wanna say you'll muck it up but you really could, because you may think you see or hear one thing but it's really something else. So. It's really attuned me to what to pay attention to. (Interview, June 13, 2017)	She notes how the trauma informed training taught her how to be present in other processes, and to not take for granted that in simply following a process, it is fail proof. Evidently, her mediation training did not emphasize these aspects but her trauma training, along with the particular needs of the school community, changed the way she approached her mediation practice.

Sherry noted the need to lean on other modalities in particular, because there was a negative connotation with mediation at the school in which she works. She leaned instead on what she called "restorative conversations" or "restorative chats" as a "maneuvering way of getting kids to still talk out what happened" (Interview, June 13, 2017). The chats resembled very informal, short mediations. She said she resorted to these because she noticed that when students heard the word "mediation" at the school, or mention of "confidentiality," they became wary. She shared the kind of feedback she often heard from students about their school mediation experiences: "Oh yeah, I did that mediation, and we *still* fought…I don't even talk to him anymore…*This* is how they feel

about me, so I don't want anything to do with them anymore." Students had a poor association with mediation, experiencing it often as a dead end to relationships. Sherry found that the process was too formal for students, including an elaborate opening statement that asked for the unrealistic commitment of confidentiality within a tight knit school community. Restorative chats, on the other hand, were "quick and to the point" responding better to the fast-paced, informal high school culture (Interview, June 13, 2017).

In addition to restorative conversations, Sherry also relied on conflict coaching, restorative circles, and sometimes hybrids of circles and mediations in order to respond to the quickly fluctuating needs of her school community.

To Mix or Not to Mix?

Unlike her colleague, Heather, whose risk-aversion was described earlier, Uma was more comfortable with mixing modalities and regularly found it a benefit to do so. She is experienced with conflict coaching, restorative circles, and trauma counseling in addition to mediation. She also carries into her practice a keen consciousness of herself as a trauma survivor, enabling her to naturally empathize with individuals in pain. When I first interviewed her about her training background, she said "I guess when I talk about training, I always talk about my early childhood experiences and my family as part of my training" (Interview, March 16, 2017). In particular, she talks about an early experiment attempting to de-escalate her mother's conflictive state, and what it taught her:

> …My mother yelled and screamed a lot. Lots of pain, drama, anger, hidden in there and like hitting up against my own, you know? And I remember, like, feeling

so much love for her and being like-- and hating her so much for that way of hers. And you know, like when you're in a household with a family, you just end up having to figure out how to work with it, because as a young person, you're not readily like "let me get out of here." Or I wasn't. And so I remember this one moment when one day-- it was like usual for me, for her to be in like this chaotic mindless place screaming and I was like, “I'm going to practice something today and see if it works.” So I started talking to her in my usual way, I started yelling at her. I started yelling back because, you know, sometimes that's like the only way she can hear sometimes, when she's screaming, like if you're screaming back then she hears you. So I remember intentionally practicing lowering my voice..as I went, to see if, slowly, quietly..you know, without too much of a big shift in the change of voice and tone, just incrementally, if I brought it down would that shift something in her? And you know, I was like literally testing out, the field, and I felt really successful for a little while because I *did* notice a shift, you know. And it was almost like trickery, so you know, she like, she *did* shift, for a little while, she started to lower her voice a little, because I was like basically pulling her down with me. But then at some point, I think that shift itself, even though it was unconscious, it irritated her, like she *did* notice the shift, and it irritated her, and then she started screaming again. (laughs) You know! So I was like, "Ok, successful *and* not successful." Because, you know, like, she got annoyed again, but I realized she got annoyed, you know, because something was changing, and she couldn't identify what the change was. Anyway, so this..is an example of active

> practicing with conflict, like in my young life and..just strategizing. (Interview, March 16, 2017)

Uma readily connects her past to her current practice through informal learning reflections like this one with her mother. For her, all experience, whatever form it takes, is worthy learning material and subject to experimentation. Among all participants, she seemed to be the person who brought the most of herself *in*, who exercised an unequivocal connected knowing *and* a knowing of lived experience. Unlike most mediators, she describes herself as someone who is genuinely unfazed by the conflict experience, primarily because of her family conditioning:

> You [Rochelle] were saying last time that most mediators are conflict averse, and I'm not one of those mediators. I have a lot of comfort when people are at their worst, you know and like, even if people are screaming at me directly in my face, I'm still, you know-- it doesn't shift me away. I mean, of course it impacts me, but I can still engage in like a-- still in my mind, not just an emotions way. And that's why I talk about my early training as being sooo critical, because I think that I leverage it left and right without even noticing…So with Heather, you know, that's what she said, that I have this like peace and comfort going there, in places she'd be scared to go, you know? (Interview, March 16, 2017)

Uma flows easily in understanding modalities as temporary tools and bridges, but not ends in and of themselves (March 16, 2017). In this way, she is a true pragmatist. She describes her mediation training as a means of structuring much of what was already a natural way of being for her:

> Me: (summarizing) You have a natural inclination toward mediation or mediation skills and that training brought to awareness some of what was intuitive and made it more conscious, or..?
>
> Uma - Made it more practice-able, if that makes sense. Intuition, I feel like I cultivated almost unconsciously as you evolve and experience things in your life, and then intuition is-- it's palpable, but it's not something that you readily call on in your mind. It's sort of something that happens, and maybe you can call on it. I haven't arrived at that yet. But I think that [mediation training] gave me, like, a sense of being able to practice with intention, what I think I was already adept in doing in various ways, but I couldn't identify or like articulate, or demarcate, you know?

While Uma is aware that she often deviates from standard structured practice in favor of how she feels guided to connect with parties at a given moment, she acknowledges that co-mediation is positive for her precisely because a co-mediator can compensate for her lack of structure. She says she enjoys co-mediating with her colleague, Heather, because

> the things that are not my strength are her strength, and the other way around, the things that are my strengths aren't necessarily hers. So I love co-mediating with her, because I'm watching her do her thing and I'm watching how she frames and reframes, so I'm like actively learning here, which is exactly what I wanted, and then, because I can, you know-- because there's a support person next to you, and you're learning from their strength and you're watching it, in like, real life

> cases, um, I've seen myself begin to start practicing that, you know. So I feel like learning has like sped up when I came [to this conflict resolution agency]…I'm very intentional about practicing those hard things when I have a co-mediator who is good at the things I'm not so good at.

More than most colleagues, I found Uma to be a naturally critically reflexive person, someone who regularly considered her identity, power and positionality within an interaction. Regardless of topic, she expressed herself with curiosity about both her colleagues' experiences and her own. The empathic aspect of connected knowing is also strong in her, as can be seen throughout reflective debriefs featured here.

During the debrief with co-mediator, Robert, Uma recounted a mediation involving one of her conflict coaching clients. Her relationship to the client was challenging to navigate, because of the connection she had established through the conflict coaching sessions preceding the mediation. Though she co-mediated the case with Robert, she was still the primary point of contact, and the client became, as Robert put it, "emotionally needy." Because of her restorative justice and trauma work, and more importantly, perhaps, because of her personal trauma experiences, she had been able to deeply understand and relate to her client. As an abuse survivor herself, Uma's work with another organization that works with abuse victims necessarily invokes the personal. In this agency, however, her role was more restricted. Here is Uma discussing how she navigated the dilemma of positionality with her client, given the multiple professional and personal identities she occupies and often blends:

Table 9.3 – Uma

<u>Me</u>: Was there a point at which it started to become overwhelming?...When did it surface for you that it felt like too much? What were the indicators to you that it was more than-- I don't know how you would put it, than you could *take* or than you felt was ap*pro*priate for the process, whichever of those things.. <u>Uma</u>: Actually, I don't actually think about it in terms of "appropriateness" at all, because I understand the experience. And that's just *her* human experience. So just like I would accommodate *any* human experience, I would that. Um. It…started to get really overwhelming I think after the *third* coaching session when it became very clear to *her* that she's not getting this mediation with [a supervisor]…She has a way of advocating for herself and speaking up, and it's needed. And so she *got* a *lot*. But there's an intensity with which all of that is	Uma had honed in on being overwhelmed by her client in part because she had started out with her in one-on-one conflict coaching. She had serious reservations, based on her coaching sessions and the level of emotional need she experienced from the client, about her capacity to then mediate the case, as she was asked to do. Here I am trying understand with precision what, for Uma, constituted being overwhelmed, in hopes of perhaps raising her awareness to precursors of "being overwhelmed" in the future. One of the more useful parts of reflective practice, I think, is the opportunity for a debriefee to concretize their felt reality through its misrepresentation by the debriefer. Here Uma is clarifying that her discomfort wasn't a result of judgment she felt toward her client. On the contrary, she understood her client's experience very intimately, and felt overwhelmed that she could not give her what she needed.

done. And I think after the third session, I mean there were *five* actually. Yeah, after the third session, I just felt like I really had nothing to offer her beyond what I'm offering her, which is listenings. And you know, the coaching, like, on a personal level, I can continue doing. But it didn't seem like she needed the kind of coaching I had to offer. She just needed what she needed and then I think she would kind of get trapped in that: Like "I'm not getting what I need" and then there's like a *loop*, a loop of her own stuff.	
Me: Does that mean that there was a kind of coaching that might have provided what she needed or do you mean she wouldn't get it, because, she was in a loop that wouldn't have gone anywhere regardless? Uma: Right. I mean I think there is a coaching that would have helped her that I could have offered her, but like, that's not what she really wanted.	Here I am asking Uma to specify what help she thought her client needed, and why she was not in a position to offer that. My purpose was to help her embed new learning by formulating thoughts to explain what we might otherwise take for granted. For practitioners who freely rely on what they call their intuition, I find this particularly important to creating accountability and procedural knowing in

She needed like a more immediate response to these particular set of things and all of her anxieties are tied to those things not happening. Me: Things that were outside of your control? Uma: Completely, completely out of my control. Having to do with her workplace, their dynamics, even her personal experiences and her ways of relating to people. Yeah, so I would say that after that I got kind of overwhelmed because it wasn't just coaching, 'cause she would call me regularly on the phone. In the beginning I would listen and then eventually I would try to tell her that we should just do it during the coaching session. Come in during that time. [I did that] kind of to manage [the situation]. But it didn't really work. And then when she kept calling me with an*xi*ety I think I started to feel like I *can't* help her anymore	practice. Uma clarifies that the coaching she could do with her client could have helped her, but that her client was not asking for that, but rather was asking for more concrete resolution to her concerns.

and she's not understanding that there are limitations in what I can actually offer in this moment? Um. But you know, like she wasn't really *hear*ing that and that's when it got overwhelming. And then I felt like…just because there's like this similar experience, the relationship of *having* a similar experience, *life* experience. So there's like uh, in my…work [with the organization that supports victims and abusers], I lean towards working with people who have experienced that kind of trauma, just because it's part of *my* healing, too. Um.	Uma feels an extra layer of responsibility, because she has had a similar life experience to her client. In other contexts, and using other modalities, she makes more space for clients to express themselves to her, but she's aware that in her current role within an organization that holds different norms, she must maintain more distance.
So then I started to feel kind of *sad* that I can't give her what she wants, and I felt like I wanted to just shake her and talk. Like if I was a family member or friend, I would have been such a great place to help her. But because of my role, and because of who I am, and what she wants and like the logistics and the barriers of the position	Uma regrets that she cannot speak to her client

and, you know *even* the limitations of what I can offer as a person, like a person who works at a center that she's going to. If I was a friend, it would be so different. Then I could just be very real with her in a way that I would, like a normal way that I would talk to a friend. But I *coul*dn't really do that, and I didn't *want* to. So that's, yeah, that's all the stuff that got overwhelming.	as she would to a family member or friend. She is experiencing here conflicting epistemologies between an ethics of care and accountability and that of separate knowing. This internal conflict is brought on in part by the norms of her setting, but also by the fact that she will likely be mediating a case with this client and someone else, and too much of an attachment with one of the parties could compromise her role as a third party neutral.
Me: Is that what would be helpful to de-brief about? Or were there other moments or challenges that you want to explore more deeply? Uma: Do you mean in the mediation or just throughout? Me: *Any* part that you feel would be helpful, that you're feeling unclear about or unsettled about in any way looking back on it.	It's interesting to note here that till now, Uma was just setting the stage for the reflective debrief, but we had not yet clarified what she identified as her critical moment or moments. I suspect, knowing Uma's holistic approach to her work, that the designation of "critical moment" seemed an artificial partition and that she found the entire process of working with this client as one long critical moment wherein any part required great care and attention.
Uma: I *was* unsettled (chuckle). I was unsettled for a while. I was really nervous	I think Uma is also feeling a little sheepish here,

about the mediation. So maybe we can start with that. Me: Was it after the mediation that you felt …more settled? Uma: No, I think be*fore* the mediation. *Fin*ally when the mediation date was set and then I could use the official mediation process to minimize my support. You know like now that she got. Like I gave her, or *we* gave her…something of what she wanted. Then there was a way that she was a little bit calmer but that she still wanted to talk about everything that was going on. And I think there were like two phone calls and one e-mail I avoided (chuckle). And that actually also helped a little bit because it…let her just do what she needed to do and figure it out herself. Um. Yeah and then I of course I talked to Robert also about it. And then I actually *had* new information to work with. Like, [for one], I have to learn to create a little	conscious suddenly through my questions, that we are doing an exercise, and that perhaps she didn't present the "right" kind of problem, because she is no longer feeling so unsure or unsettled about the case. Throughout our reflective practice groups, I noted places where fellow mediators became self-conscious as debriefees, not sure that they were providing me what I needed either for my research or for a reflective debrief. These moments reminded me of my own position as leader of the project, despite my efforts to democratize our learning experience. I think it might have been helpful here to pursue Uma's motivation to avoid her client's communications. Was she consciously doing it to "teach her a lesson?" or was that a coincidental outcome of her distancing herself for procedural or self-preservationist reasons? It would be important to know this, so that her choices in the future could be founded on an informed and proactive strategy, rather than as

bit better (chuckles) boundaries with this stuff, you know, like for my own sake. I don't think I'm impacting..the process too much but if *I'm* impacted, then the process could also get impacted, you know? And I was worried about whether I could be present for the mediation…like if I was annoyed and overwhelmed by her then I was wondering if I could be of support in the way it's asked of me.	reactive impulses. Uma sees one of her learnings as a need to create better boundaries in the future, indicating that she did understand a larger purpose, whether intended or not, in avoiding client calls, both for the client's sake and her own.
And that's such a different thing that's asked of me in the mediation room than is in the coaching or just random phone conversations, you know. I don't know if I'm answering your question.	Uma is noting that her roles are very different when she's in a coaching modality in comparison to being a mediator or "just random phone conversations," as in with a family member or friend. She is conscious of the potentially contradictory things that are "asked of" her in those roles, and how mixing them could make her mediation job much harder.
<u>Me</u>: Well, were you able to work through those concerns? And looking back on it, does it seem like you have clarity about, um, how to handle those?	I try to assuage Uma's deference to me as judge of her responses. I'm hopeful that she can turn to herself as the determiner of best questions and answers.
<u>Uma</u>: I feel like I'm glad I have now. Like today I was thinking about it. I'm so glad I had the experience because consciously I've	One of Uma's big takeaways from this

never done a mediation with somebody who's had like such deep traumas that I relate to. I may have without knowing but it's a very different thing when it's not on the surface, you know. Um. And I actually find it really valuable because I actually do want to. Like I think people go through a lot of trauma and abuse, because of how they act in their constant dealing with the world…[and they aren't] even considered sometimes for processes like mediation because…they're overwhelmed, people just tell them they need therapy or counseling…And *I* know from my personal experience, like you can have a lot of agency and self-determination while also…feeling like a victim and really being impacted by experiences. So I think it was really, in a way it was really important for me to have the experience so I could see how I can move through the different angles at which this	experience was the realization that she would be able to do mediation with victims of trauma and abuse, even though doing so is frowned upon in the city we work in. Through her own experience as a survivor of abuse, she understands the missed opportunities when victims are disqualified for processes that might be really useful to them. Through an epistemology of lived experience, Uma understands that being a victim is not an absolute state or identification, even though it is often seen this way, and she felt hopeful through this mediation, that the process might not be considered off-limits entirely given a more complex understanding of individuals' needs and experiences.

comes up in different processes. Does that make sense? Me: Mhm. Uma: And, you know, like it was hard for me to not see how great she was also throughout the process, her humor and her brilliance and her energy and zest for life. Like all of that was also very real. So I think it was really helpful for me. It made me think…Now I can actually *do* mediation for people who have some kind of trauma. You know, like in [our city] you can't do mediations for [domestic violence] victims…who are seeking mediation. And I've always kind of had a problem with that policy (laughs a bit) just because I think that— you can't like. It's not all like a *summed* up thing. Like I understand why domestic violence is challenging but I also feel like there's a lot of agency that's lost in summing that up like that. You know, it's for safety but...a case by case…assessment	I have often heard Uma describe her abuse experience as a gift. For me, this explains her capacity to view her client's intensity, not as negative, but as another form of strengths that were perhaps nourished in response to her trials, just as Uma's were.

is what's needed. So for me I guess personally it was important that that happened. But I can only say that now after it happened (laughs) and, like, the mediation went fairly well (laughs). Robert: Well I was wondering. One of the things I was wondering -- and it *did*, it *did* go well. So can I ask? Uma: Yeah, pleease. I'm just babbling.. Robert: No, no, it's an interesting scenario. So one question I have is whether there were things that helped you navigate. So you *were*…present in the room, *and* helpful. Is there anything in particular that you did, or just persevere? Uma: Oh. Um. I think that there was...I don't think I talked to you when I really started to get overwhelmed. I kind of like just sat there because I have this way of feeling, just from my life experience, like I	Uma feels a little self-conscious here of having talked as long as she did, I think, in part because Robert was a co-mediator on the eventual mediation, and also because Robert is her supervisor. That said, Robert's mode in their group was not authoritative. He is a very well liked supervisor whose style of leadership seemed extremely collaborative. His staff seem very comfortable in his presence, and Uma is

just feel like I have to figure everything out on my own. And then…just show up in a way that's being asked of me and I think that because that's the habit and mode and with anything other than this kind of intense stuff I can usually do it. So I just didn't really maybe get-- ask for support and maybe like when I felt overwhelmed…if I had talked about it, maybe that you would have…reassured me like about what you said about how the [other person] also had a similar experience [with the client], like, that helped me feel better?...That helped me feel like "OK, wait, this is not just me being sucked into this dynamic with her. This is actually like something-- She's pulling and she's not just pulling at me, she's pulling all over the place." So that helped me separate a little bit and that was like, literally, a relief in my head. Yeah I think that what I could have done is just sort of talked about it	no exception, as she feels able to vulnerably say what the thinks she could have done better, and not just respond to his prompt to talk about her successful strategies. It could also be that Uma undermines her skill in Robert's presence. Uma acknowledges that she often figures things out on her own, but that it might have been helpful to talk to Robert ahead of time. It makes me wonder if more normalizing of reflective practice within their organization, perhaps specific times set apart each day for doing so, would be supportive to the team. The benefit of finally discussing her preoccupations with Robert was that she was able to see a wider view of her client's

sooner to you and James, or anybody really, instead of..just continuing to-- I mean, I feel like I tried to set boundaries in these subtle ways. But you know, subtlety didn't really work very well in this case (laughs).	behaviors, when she had assumed she was the only one having such an intense interaction with her. This "lens widening," I think is another very valuable part of reflective practice groups. Robert's question to Uma helped her to identify what she might have done differently to support herself through this trying case, even though at the outset of the debrief, she had felt satisfied with a successful navigation of the challenge.

Seeing Differently Through Life Practices

Reflective practice group members sometimes brought in other types of life practices, not directly related to conflict resolution, to make sense of their learning in mediation. This may have been their experience in managing employees or in learning another skill, like playing an instrument.

Ted was a member of the Mediation Center Group, and like Uma from the Workplace Group, was an especially reflective individual. In our group, he usually volunteered to speak first and seemed comfortable with exploring his inner motivations and vulnerabilities as a mediator. Very early on in our debriefing, he referenced his

meditation (not to be confused with mediation) experience as support to working with conflict situations. For Ted, what was most important was eliciting consciousness or presence for the parties, much in the same way that a reflective practice process did that for us in the group. Here he is discussing how he perceives his role during the common critical moment of parties raising their voices:

Table 9.4 – Ted A

Me: What signs do you have that a conversation is constructive? Ted: (pause) It's constructive if it is-- I would say if it authentically expresses what the party is feeling. For example, that's complicated because everything authentically expresses what they're feeling. What I mean is, so you're yelling and you're saying, "You never listen to me." And you're [the client] getting very loud and you're just starting to go, "You're not listening to me, I'm not going to listen to you." You're now using it as a divisive device, as opposed to actually honestly expressing a concern that you have.	This is a phenomenological question I'm asking Ted, which is often how I began my debriefs with individuals, asking for sensory evidence (seen, heard, felt) of their stated interpretation. Ted tries to specify by giving a couple of examples.

If I see that it's becoming a divisive device as opposed to actually you bearing yourself in some way authentically -- these are just words that are coming to mind. That's how I'm making a decision about whether it's constructive or not. Me: Yes, that's good. Let's try to get as specific as possible for you to be able to articulate clearly how you know that. What may be even like visually or tonally or any other indicator that tells you that something is being used as a divisive device?	Ted identifies "not constructive" as the moment when parties are attempting to be divisive, but he is still using language that is up for interpretation, such as "authentically" and "divisive." So I ask him to be more specific about the visual, auditory or other cues that inform his conclusions.
Ted: Well, there are a number of things I could think of. One is, they're dwelling in the anger for the sake of the anger. It's an intuition. I can't tell you -- I'm not sure how I can tell you but that's one way. They're just dwelling in it for the sake of dwelling in it. The other is, you're saying things that are-- when you have an argument and you say something and I want to avoid	Ted introduces yet another expression that is up for interpretation, "dwelling in" and acknowledges that he knows it's happening through "intuition." He elaborates more specifically on his second point, however, with a specific example on the use of avoidance as a means of creating divisiveness.

responding to that so it brings up something else. When you do that at this high emotional level, where you're using it as a straw man. Do you know what a straw man is? Where you're creating a smokescreen. You're using it to avoid what was asked of you. You can do that for a little while but then…[the client will] yell and I'll say, "Did that answer your question?" Something like that, and I'd say, "Did you -- are you	
responding to this person?" Something like that is a way to diffuse that. I'm making a lot of judgments about that anger or that expression of heightened whatever. Me: And are they justified judgments? Ted: Um. I think for the *most* part, just looking at the re*sults*, that it *seems t*o work out, but I don't know if I had done something differently (chuckles), if it would have worked out, definitely, the same. I can't make that cause and effect link	Ted says he knows that he is making judgments about the meaning of parties' behaviors, but thinks they are justified because they seem to "work." Again, work is a loose term that bears clarification. He is conscious that he cannot be certain of a cause and effect link.

necessarily. Me: Mhm. And when you say worked out, you're talking about what you had said earlier about bringing parties to be more *pre*sent with each other?	Here I'm trying to clarify what Ted means by "worked out." I remember what he identified as his mediator goal, and link that as his possible measure of "success."
Ted: Right. Yes, in these terms, "present," it means some authenticity. Me: Connecting this to your *ro*le, how do you see the ways in which you would intervene in the moments you described as connecting to your role?	Here I'm asking Ted to connect purpose to practice. How is what he did aligned with what he believes he is there to do?
Ted: Um, I'm trying to facilitate their communication with each other. So to the extent that things are happening, um-- *two* things: things are happening in which they're not communicating with each other. I at least want to *raise* that to their awareness. I don't necessarily want to *make* them communicate with each other but I want to raise-- my role is to bring them to	Helping parties be more present, aware of themselves, is Ted's primary goal, along with helping them communicate with each other (but he is clear that he is not there to force communication).
*pre*sence, this would make, you know-- "Why are your shoulders so tense?" So I	In a sense, Ted is talking about doing with parties what a reflective debrief process is

brought that to someone's attention that they're upset or, "What's going on?" They may not-- It's that bringing to presence, is the driver. Me: Mhm. OK. In the moment -- Going back to the options that you choose from when people are raising their voices, it sounds like you have this process internally, you're judging whether or not they are, um, *us*ing that heightened emotional expression toward communicating themselves? Is that what you're looking for? Ted: Or to hiding, yeah yeah. Or to hiding from themselves or from the other. Me: Or otherwise hiding, avoiding. Yeah, ok.	hopefully doing for him, to bring him to greater consciousness of his responses and the reasons underlying his choices.
Ted: Yeah, that's-- That's *help*ful to go through that so far. Me: Oh good. So that connects to *your* seeing yourself as your role to facilitate communication and bring awareness in that, if their exchange is not toward that	Ted notes that this reflective process has been helpful so far.

end.	
Ted: Unaware of, right. Me: Then it's your time to come in. Are there *any* situations you can think of where you came in and it didn't go in that direction, didn't work out, so to speak, or you weren't sure if it was the right thing to do?	Here, I'm bringing our conversation back to understanding what signals to Ted that he should "come in" or intervene. Because Ted seems clear about his sense of when to come in, I double check to see if there are times he's followed his own indications but doing so hasn't brought parties to greater awareness.
Ted: Yeah, um, I *think* a *fa*ilure for me, if I had to say something that didn't work, is when *I* start to talk louder. Or, uh, otherwise, I'm *caugh*t up in the *ma*nifestation of the *con*flict instead of grounding it in the presence. Where I'm, in some sense, unawares. So that's one way. And certainly, there are times where, um, where I've let something go and it's clear it was too long. And somebody would say, "I'm not going to listen to this anymore. I'm getting up. I'm leaving." And I'll go, "So you think that this is not productive for you. You're ready to leave?" You know, then they'll sit down	He is then able to consider those times, and how he knows that more presence is not being achieved. Interestingly, it has to do with his own disconnection by being "caught up" in the parties' conflict himself.

and, "Yes, he shouldn't talk to me that way." And then it'll become something else because it's now been moved. But that could have maybe happened a lot earlier and didn't really *serve* a function; the name calling or all of that. Me: So you're saying you see that as a shortcoming, or in that sort of situation parties might have been communicating something that you didn't *catc*h about when it was time for you to come in? Ted: Yeah, it was about unawareness when I thought it might not be. Maybe I'd put it that way. Me: Are there other signals that tell you when you have come in at the wrong time in that situation? Either too late or too early, or…? Ted: Uh, it's usually--- If it's *one*-sided, it's usually the *other* person turning off. That's the signal, not that person, it's *this* person. It's not being re*cei*ved anymore. It's just that	Ted thinks of what he can do in the event that conflict escalates as a result of his intervention, but he wonders about his timing. I'm reflecting some of what Ted has said in wondering if, in the instances of escalating conflict, there is something he may have missed. Ted attributes this missed timing to when there is "unawareness" in him. This would have been another opportunity to clarify a term: "What are the signs that you're unaware? What does it feel like? How do you catch it?" When I asked Ted to consider other signals of "right" or "wrong" timing, he identifies times when the responding party is no

communication element isn't happening. Trying to think of other signals, um (pauses while thinking). I would just say when somebody returns to their box. Certainly, another way would be, when somebody in whatever way it manifests is returning to their box where they're now hardened into a position, where there may even have been some movement before, now they're hardened to a position. And I'll give you an example and I'll stop after that.	longer responsive, shuts down, or as he puts it "returns to their box," or to their original defiant position. Ted is conscious of taking up too much time, given his colleagues' silence.
So a related thing is we have people who are coming together and almost coming to some agreed upon outcome. And basically somebody will get *cold* feet and go back to the original complaint, and in an emotional way, *vent* again about this thing that this person did. Then they get closer then they go back again and they *vent*. Knowing how many times to let that loop go…But where again it's just that…they're getting entrenched back into their boxes. That	

closeness of whatever their outcome is, is now receding, that's a difficult…point.	
Me: Does it feel clear to you when you would come in, or in talking about this, like being able to identify the signals that would help you to feel confident that…?	
Ted: Yeah. Knowing in a way in terms of the reflection. Yeah. Knowing more clearly and transparently what my *role* is, when I'm valuing communication and awareness. I think it may be easier to look at it, because there's something, a standpoint that I could use.	I bring the debrief to a close by checking with Ted if he feels clearer about how to approach the type of critical moment he introduced.
I try *really* not to have too many of those, though, because again, there's meditative aspect, which is, um: when I'm trying to -- in creating that space, it's for everybody's	He affirms that the process has helped him by centering him in his role and purpose.
presence which is, you can use the term, "see through." You can *see* through an emotion. I don't have to really know medi*tat*ively where it came from. I could just *see through* it. It's just like a feeling mass	At the same time, thankfully, Ted is comfortable to push back a little, to say that he does not want to become too reliant on what he perceives as a "rational" approach to figuring out what to do during a critical

that, if you just don't grasp after it, if it's pleasant, or push away if it's unpleasant, and you *just* allow it to be and just be a transitory moment, it clears up. And I'm trying to *man*ifest that in this *room,* so that other people can see *through* their selves. So that's another more fundamental approach. This [reflective practice] seems to me to be -- I don't want to use the word psychological, but it's more of a *rational* process. Where as this *medi*tative process, really isn't a rational process. It's touching something very deep and common.	moment. His meditation practice influences his understanding of how one knows. He operates through a different kind of practitioner epistemology, which he describes as "seeing through." It sounds similar to intuition ("gut" knowing) but is also guided by a procedure: neither to chase what is pleasant, or push away what is unpleasant. In other conversations with Ted, I have heard him speak about his Buddhist community, equally if not more central to his retired life as his commitment to volunteer mediation.
Me: You mean as a way of analyzing-- Ted: Yes, as a way of going *through* something with other people. Me: You're saying that the reflective practice process is more psychological, rational, but in the moment of a mediation you're not thinking about it in that way.	Ted again uses words that are up for interpretation, which seems to be what triggers me to ask him for further clarification.
What you're trying to bring forward is more of almost like an experiential process.	My way of understanding what he is talking about is through practitioner epistemology,

Ted: Yes. It's a meditative process. (Mediation Center Group, June 6, 2017)	the knowing that comes through repetition and experience. The distinction Ted wants to make is that the meditative practice does not make use of analytical thinking in order to arrive at decisions (perhaps even discourages it?), whereas what we are doing here, reflection-on-action, is an analytical way of learning through practice.

In our second group session, Ted spoke more explicitly about the ways his meditation experience affects his approach to mediation, and through our exchange, I considered wider possibilities of "reflective practice" beyond the phenomenological approach that I had been fond of using as a reflective facilitator. Here is an outtake of our exchange, prompted by a discussion about how to address implicit bias:

> Ted: In meditation, one sees through the emotion, in a sense. One, well, there's different ways of looking at it. In some forms of meditation, you *note* what the feeling is. You *dis*tance yourself from the feeling as an observer. The kind of meditation [other meditation communities] do, [our community doesn't]really do that. We *see* through the feeling, just ex*haus*t it back into the present.
>
> And if you can do *that*, it cuts out a lot of-- it's *not* an analytical process, it's a non-analytical process, which brings you-- it's that moment when you're

thinking in your head or feeling something and then the car honk happens and you're back, in the present, and you hear the birds and the trees. Coming *back* to that present, you are now attending again and there's *some*thing-- once gone *through* the bias, there's another place for you to respond perhaps more clearly to what the cue is.

Me: Yeah. I was just *thin*king about this *ear*lier, the similarities between mindfulness and reflective practice, because I was thinking, well, reflective practice is essentially a practice of slowing down instant reactivity and paying attention. Yet, that doesn't convey still, because *that* can mean many things to different people, right? So, what *you*'re talking about is a step *fur*ther in the *kind* of attention that you're paying. It's about non-analytical, as you said.

Ted: Right. So, in meditation, like in Theravada meditation, it is in a sense an analytic meditation; you're looking at the different parts that comprise a human being: feeling, motivation, and you're seeing them well up and you're watching them arise and pass. But there's a kind of a *dist*ancing mechanism that's going on and *ana*lytic approach to meditation. Your questions seemed like *that* to me and I think they're really valuable. And…since learning about this [reflective practice], I've done - in the middle of a mediation – I've actually asked myself these questions which is kind of getting out of the present, but I will-- at *som*e point, when I'm about to *do* something, I'll go, "Is this the best way to do it?" or "*Why* am I doing that?" And I think if you *do* it with regularity, it becomes, uh-- it's *less*

ana*ly*tical and more like a quick process of checking that may have a benefit. You know what I mean?

Me: Yes, kind of like taking stock.

Ted: Because when you *me*ditate and you're doing that analytic process, you're not going, "Oh, now I'm looking at the--" You're not doing *that*. You're just noting and it's noted and it's gone…but it's an *analytic* process, but it's very immediate.

Me: Well, I think it *is* a challenge we have..what you're talking about: this reflection-*in*-action versus reflection-*on*-action, which are the two distinctions that Donald Schön talks about, a person who kind of pioneered reflective practice.

And reflection-*on*-action is a lot easier, in a way, to *do* because you've got *spa*ciousness. But reflection-*in*-action…-- it *must* be a practice because, like you say you do it, it's kind of like coming back to *self* over and over again, but not coming back in the way of novice mediators who become self-conscious and get in their own way. But coming back to self in the sense of checking *bias*, checking if we've just been im*pul*sive in our response, checking if we're having a *judg*ment that has arisen. Um. But doing that in the *mo*ment of something unfolding in front of you, I think is a *tall* order for us.

So, I'm interested in learning more about these non-*cerebral* approaches I think to-- because I think much of it may hinge on a state of being, that we can achieve versus-- we don't have *time* to formulate complete thoughts, right?

Ted: Right.

(Mediation Center Group, August 7, 2017)

Through our exchange, Ted and I arrived at an understanding of the limitations of linear and analystical reflection for reflection-in-action.

Takeaways

Alternate modalities play important roles for mediators, especially in critical moments, when the usual mediation strategies feel insufficient for stuck mediators.

In Sherry's experience, the context in which she worked demanded a different kind of intervention, so Sherry leaned on other training and other modalities to offer a richer palate of options for the wide diversity of "clients" she has: members of the school community. She understood that sometimes mediation needed to be tweaked given the old associations with it in the school context. She found ways of adapting it into the notion of a "restorative chat," a quicker, more informal process that worked well in the pressurized school setting. For Sherry, and mediators who work in similar systemic settings, it is unwise to be a "one-trick-pony." The array of needs in the community called for ingenuity and adaptability and a wide range of intervention choices.

For Uma, the trouble rested in transitioning from one modality to another, because – as she put it – what was asked of her was very different in each role. Setting boundaries between the coach self and the mediator self proved challenging. The debrief gave Uma the opportunity to articulate her learnings from this experience, and also to know that her supervisor, Robert, was an accessible resource to whom she could have gone sooner while experiencing her dilemma.

Ted's understanding of his meditation practice helped our group to make sense of ways of knowing that did not follow linear procedures, and in fact, might be more apt for

expressing practitioners' intuition. In discussions with the Workplace Group, I had tried to help us get specific about what we meant when we said "intuition." Where did it come from and how did we know when we could rely on it? This conversation introduced a different paradigm about knowledge, a non-verbal and non-linear understanding of it that peaked my interest and would be worth exploring as we learn more about mediator learning mechanisms.

Chapter 10 – Critical Learning Moments: To Speak or Not to Speak

Openly addressing topics that are delicate for the mediator or parties was a recurring type of critical moment for mediators in our RPGs. The discomfort these moments raised was present both in mediations and in later reflections of the mediations. The first two cases discussed here relate to race and racial justice. My experience in the field, especially given the high number of white-identifying mediators, is that mediators tend to either gloss over race as a factor in mediations, or address it directly with trepidation and insecurity, and our reflective practice groups confirmed that observation.

The first example I present here will go deeply into the debrief with mediator "Heather" about a case involving race, and follow the group's meta-reflection about cases like it. In that case, though the parties discussed race directly at various points, Heather found herself immobilized by the topic. In the second case example, mediator "Nathan," contrary to Heather, made a choice to directly name race as a possible issue when the parties had not done so, and though he felt it was an effective intervention, he questioned his motivations and whether they were in keeping with "right" practice: "the thought that I shouldn't have said that or that we shouldn't name racism when we see it" (Mediation Center Group, August 7, 2017).

In this category, I also highlight moments of vulnerability, whether for a mediator during the debrief process, or for mediator or clients during the mediations themselves. I

present the example of mediator, “Mark,” who experienced hesitation in pursuing what lay underneath one of his parties’ upset, because – like Heather – he worried that he would be putting her or himself in an uncomfortable position by doing so.

Critical Moment 5: Speaking of Race and Identity

“I didn't really explore much about that, and I think part of it is my discomfort. I don't know…I—am not black, I'm not going to pretend that I know all of the words that people use…I could've gone there, and I didn't. It's just a lot of non-moments.”

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*“I would just say that I would always be a*ware *or open to the possibility that racism was happening, and not necessarily to assume that that's what it was, but just to be on the lookout.”*

Stuck and Frozen

Heather started her case debrief saying, “It was uncomfortable for me…The person was uncomfortable because it was about race” (Workplace Group, June 20, 2017). She recounted the case of a black woman who had worked at the same agency for many years, and who claimed a white male co-worker several years ago had called her a lesser known racial slur (omitted for anonymity). The woman had never told anyone about that incident, though it had affected her. She had to go on working with the offending person, and eventually was told that he was going to be her boss, at which point the situation became untenable for her, and she finally spoke out about the earlier incident. Here is Heather describing her critical moment as I debriefed her:

Table 10.1 – Heather A

Heather: I guess the critical moment or moments? The overall moment is me not feeling comfortable going into the race stuff. There were probably multiple times where I could've asked deeper questions, and I don't think I did. Even just with that [racial slur], I probably could've asked more about that word, but [the client] was like, "I know what it is." She said this in the room. Like, "I know what it is. I have a younger son, and that's something that he had told me about before, and you can't tell me it's not a word. It is." I didn't really explore much about that, and I think part of it is my discomfort. I don't know, I've never heard of it, but like I—am not black, I'm not going to pretend that I know all of the words that people use. I think, like, there was a lot of things like that…I remember thinking like, "I could've gone there, and I didn't." It's just a lot of non-	Heather identifies something more than a moment as the "critical moment," the general discomfort she felt with the mention of race and how ill-equipped she felt to facilitate the conversation around it. She thinks back on what she might have done, but didn't. Heather automatically begins to think out loud the reasons why she did not explore more about the word. She acknowledges she shouldn't be expected to know the meaning of it, because she's not black herself. She describes the overall experience of the case as a lot of "non-moments," or times when she could've acted, and didn't. At the end of speaking here, Heather looks to me for approval: did she give me what I was looking for? "Is that" a critical moment worth discussing? "Uhh," am I doing this right? This type of question came up with a few mediators

moments. Is that--? Uhh--? <u>Me</u>: Yeah, that's great. So let's freeze-frame on one of those moments. Think about taking yourself back to it as much as you can. What were you thinking? What was happening inside of you when that came up?	as they tried the reflective debrief for the first time and tipped me off about the vulnerability involved in being debriefed in front of colleagues. I feel I needed to have reminded her "a critical moment is anything that has you confused or unsettled, so only you can say what that was for you. It won't be for me to judge." By saying "that's great" maybe I reinforced my identity as a monitor or teacher, which I didn't want.
<u>Heather</u>: Specifically, not knowing if that's a word or not. Just taking her experience as what it was, but being a little afraid to touch it.	I tried to support Heather in getting more specific about the trigger and source of her discomfort. She says here that it was her unfamiliarity with the word that made it hard for her to "touch" it, but as we'll see later, it was more than unfamiliarity that gave her pause.
<u>Me</u>: And what options in that split second when that came up, what options did you see mapped out in front of you of where you could go? <u>Heather</u>: I don't think I *saw* a lot of options (chuckles) which I think my main goal was let me just see if I can create a way where she-- has had a chance to be heard, and he	I believe I asked this question in keeping with scripted reflective practice questions (I kept a list in front of me to jog my memory), but had I been more present with what Heather was saying, I think it would have been more fruitful to follow her thread about "being a little afraid to touch" the word. Perhaps Heather's

has had a chance to be heard. That's all I was really doing. Like I don't think I was-- I think I was a little stuck.	discomfort also created discomfort for me at this point, and I may have "played it safe" myself by not pursuing more pointed questions.
Me: Mhm. So, what experientially happened for you in that moment when you say "stuck," does that mean a fear response, freeze response, curiosity response that left you thinking about different-- like, a flood of thoughts?	I ask Heather to get specific about her use of the word, "stuck," to describe what evidence she has to validate her characterization Heather understands "stuck" as her fear response, wherein she censored herself rather than create openings by asking curious interest-based questions, as she normally would.
Heather: I was probably blank. Just-- no thoughts. I *think* it was more like a freeze. How am I going to make sure this doesn't get worse? Rather than, let me see if I can explore this more because at this point also he had said, "I *don't* know what she's talking about. I never use that word. I *don't* know what it is. I don't remember the event around what she was talking about." So they did share a little bit, but once it got to *that* point, whereas I think maybe in other ways, I would've been more creative. But I just—froze (downward tone).	She sounds disappointed in herself for having frozen. Here I'm trying to understand Heather's motives. What outcome was she hoping to have or avoid?

Me: Mhm. Looking back on it, what do you think were—what do you think you were fearing might happen if you followed that or brought attention to it, explored it, I guess? Heather: I guess not wanting to be seen as racially-- or not wanting *her*, not even "be seen," not wanting *her,* who I already had a relationship with, to think that I'm racially insensitive 'cause I never brought it up be*fore*?, but that's just because we were, like, in a *coa*ching. Maybe I could've brought it up before. But you know we'd already like gone down that *path*, maybe that's part of it, and then the other part also feeling really *bad* for him because he was getting called a racist. And I—that's really. I don't want to cause more harm onto that either. So I think there was fear of her in a relationship way, but fear of *him* because this was *all*, apparently, *all* new information, the way he was presenting himself there. Like his face	Heather felt self-conscious about appearing "racially insensitive" because she had not spoken about it sooner in her sessions with the woman. Heather also feels empathy for the man, seeing that he seemed blind sighted by the implication that he is racist. Interestingly, Heather's concern in terms of the woman is about Heather herself; she is worried about what the woman will think of her, rather than tuning into the woman's experience. Heather's fear of judgment hampered her connection to the woman's actual plight. Heather's concern with respect to the man demonstrates felt empathy for him. She does seem to identify with his experience, perhaps because it relates closely to her own fear of being deemed a "racist," too. I ask this question to have the facts straight

changed, he came in very smiling and happy, kind of. Then got more gray.	about the choice Heather ultimately made as the discomfort welled up in her.
<u>Me</u>: And what did you do? What did you *actually* do?	Heather recognizes that doing what she normally does in mediations "wasn't enough."
<u>Heather</u>: I did a lot of looping [mirroring and confirming understanding with party] but I didn't ask a lot of questions. I think I did a lot of-- *loo*ping and, you know, *nor*malizing that people have different-- like that *she* has one experience and he has a*nother* experience. But like-- that wasn't enough…I didn't really do any of that underneath work. I wasn't gathering interests. I wasn't-- I like shortcutted it, I think.	Heather laments that she did not do more in-depth digging to support parties in articulating what was at stake for them in not having their position validated. She admits to taking a "shortcut" as a result of her discomfort with the content of the conversation.
<u>Me</u>: What does "shortcut" mean?	Again, I am asking for specificity in a term.
<u>Heather</u>: They told their story. I looped both of their stories and I was like, "Well! You have different stories!" (group laughter).	
<u>Heather</u>: I'm sure I did *more* but I *think* that was the gist of it…There was one question	Here, Heather recognizes what she *did* do that was positive. She asked this question of the man, but didn't ask a similar question of the woman. Later she talks about why.

I *do* remember asking him that was *good* and it was one that leads to interests. What was it? (pausing as she thinks). He was saying, "I don't know what she's talking about, I don't remember," things like that. I was like, "Why is it important for *you* to *tell* her that you don't remember and that you weren't--? Why does that matter to you?" He's like, "Well, I *care* about what people think about me, es*pe*cially her. I've worked with her for 10 years, maybe it was more than 15 years. And I *care* if someone thinks that I'm a racist." Then he said, "Do you think I'm a racist?" (Heather later informs that the	The man in this case is expressing a vulnerability, not just about his general reputation, but about the woman's view of him, given their long working relationship. His openness here is apparently what indicates to Heather that her intervention had a positive effect.
woman didn't answer this question, but the man still felt the accusation). So then we went off, but I *do* remember that question. That was one of the only deeper questions I really asked. I remember the change, to me, in a good way. But I don't think I asked a lot of those. (Workplace Group, June 20, 2017)	It may have been helpful to follow up here by asking Heather to say explicitly what she sees as "good" about the intervention. What change happened and how did she know it happened? These articulations would reinforce (or bring into question) her clarity of choice and purpose. For time and learning's sake, however, I opened the floor for other group members to continue the debrief.

Heather's colleagues go on to debrief her further. Uma, who had marginally followed the development of the case in real time, asked Heather how the conflict coaching sessions she had independently held with the woman in the case, influenced the mediation. We recall that both Uma and Heather mixed modalities, so this was also a relevant question for Uma who knows the possible challenges in switching between coach and mediator roles within the same case.

Heather acknowledged that the coaching sessions were probably another reason for her taking a shortcut, because "[the woman] talks for so long," and the result was Heather "not wanting to engage that so much" (Workplace Group, June 20, 2017). Uma then asked her the reason behind not wanting to engage the woman's talking, was it "for the sake of something?" Again, Uma's question harkens back to her critical moments with a talkative client in a similar coaching-cum-mediation. We can see, though, that their interpretations and responses to their clients' level of emotional expression, were different. Heather elaborated:

Table 10.2 – Heather B

Heather: For the sake of talking about things that are relevant. Not that what she's saying is irrelevant but she told me a *lot* of things about her life which I thought was really good in *coaching*…She touched a *little*	Heather is expressing that she consciously pulled back from the woman, because she talked excessively, by Heather's measure, and she had already had "a lot" of air time with her in private conflict coaching sessions. We can

bit about why that word's important to her and the racism that she's felt here. She did share, but I think that I probably was also not leaning in too close to her. Uma: (quietly) Yes, because you had to balance the support for him. Heather: Right. And maybe I was doing too much of that…not too much support, but too much of being protective of *him* because I already knew her thing, knew her deal, but I didn't really know his deal. (Workplace Group, June 20, 2017)	see here Heather's concern with ostensible equity in the mediation process. If we were to dig deeper we might find (as Heather shared in another session) her concern with structure and following procedures. She is perhaps more of a separate knower than Uma, who was more inclined to bend process (speak outside of session, share her personal story) in response to her client's deep pain. Uma's way of acknowledging Heather's motive here sounded like a mix of doubt about Heather's boundaries, and compassion for her need for balance. Heather may have picked up on Uma's doubt since she comes to consider that perhaps she had slipped on her own standard of neutrality by attempting to compensate for the time she had already given the woman.

The conversation briefly turned to the question about whether or not a conflict coach to one party should also do a mediation for that party. Heather concluded that her learning from this experience was that she could not serve both roles:

> *I* can't…*or* [I should have] someone else [mediate with me] to balance, because I *think* that I did a disservice to them by not having someone else there, because I

didn't go any deeper than I think probably someone else maybe would or feel more comfortable doing, if they didn't have this whole preconceived notion and maybe just discomfort about talking about race. I don't know.

(Workplace Group, June 20, 2017)

Again, her response to the experience of mixing coaching and mediation is very different from Uma's as we saw in the last chapter. Later Heather will understand more explicitly that her need to separate the two *is* specific to the lack of confidence she felt with the topic of race, and is not a policy she would hold across all cases. Heather acknowledges that both her discomfort with talking about race, and the pre-mediation time she had spent with the woman, which created a "preconceived notion" about her, made Heather a less than ideal candidate for mediating the case. Robert goes on to pose a thought experiment to support her in thinking about whether race as an issue seemed different than general assaults on identity.

Table 10.3 – Heather C

Robert: If the word was "liar," how would it change things? If the word was a religious epithet and you identified with religion, how does it change things? What's different? *Why* is it different?... James: Wow, great question. Uma: It's a great question.	Robert's reflective question tries to precisely ascertain the types of identity-related conflicts that would create discomfort for Heather. His colleagues support the value of the question, and like many moments with this group, the debrief truly felt like a group effort, with full presence and support by all members for their

<u>Heather</u>: …If it was religious and something I had identified as, so if there was something against Jews? I *think* that—I'm Jewish (says as if to inform colleagues, laughs)…I'm very comfortable saying that I don't think I can be neutral in this situation. If it was *just* me, I think I would feel *very* comfortable saying that.	colleague in temporary distress. Heather affirms that, were the alleged verbal assault connected to her own identity, she would not feel capable of remaining neutral, and therefore would not take the case at all or at least, she would not mediate it alone as she did in this case.
<u>Robert</u>: In the mediation or not even mediating?	
<u>Heather</u>: Either *hav*ing someone *with* me *or* not mediating, but either way not mediating a*lone* which is what I did this time (laughs, trails off). The "liar" doesn't bother me because *ever*yone calls each other liars. So [Robert's scenario] *would* change [my response], and I would *still* do the mediation alone if that's what was going back and forth…I think I probably *would* have gone deeper.	She recognizes that all assaults on identity are not the same for her, that her sensitivity is less if it is an assault on one's moral character, like calling somebody a "liar" or an "asshole" versus slighting someone because of their race. Though she doesn't say it, Heather may be noting the difference between a behavior and an inherent identity characteristic, an attack for *doing* something versus an attack for *being* something. I could have asked her a question to draw out this distinction. Here, though, she identifies her timidity as a means of "not stepping" on a black person's experience,
<u>Robert</u>: Or any pejorative, like "asshole" or something like that?	

<u>Heather</u>: Yes. <u>Robert</u>: Yeah. So I guess what I was trying to get at, and maybe you touched on it, is *why* is it different? <u>Heather</u>: Yeah! And I *think* it's because it's a race that's not *mine*, and I don't want to step on her (pauses) experien— Like, 1) it's a race that's not mine so in that way it can feel a little removed than if it was like a re*lig*ious thing that I identify as. But then *also*, I think I was like a little *ti*mid in not wanting to step on *her* [and letting her express] what it's like for *her* to *be* black and gave her a lot of *space* with that that maybe I *wouldn't* have done if it was just like someone calling someone an "asshole" or something. Like maybe [in that case] I would have gotten closer instead of going further away. <u>Robert</u>: So *how* is—and I'm just exploring here too-- asking *questions* rather than making *statements*, stepping on someone's	because she is not black herself. Presumably, if she is confident that she would not have solo-mediated the case if it involved someone of her own identity, being of the same race would not have served her either. It begs the question as to *who* ought to mediate cases involving people of color when they deal with possible discrimination. This could have been a useful exploration for us, because it would have helped us clarify the needs of parties in such cases. Robert's question is trying to tie Heather's chosen responses to her intention. Heather recognizes, with the help of Robert's questions, that she does not feel entitled to ask questions about race, because she is unfamiliar with the experience of identifying as black and does not want to "step on," or minimize, her client's experience. Staying with where Heather is, Robert wisely proceeds his line of questioning by asking

experience? <u>Heather</u>: I don't really know (laughs). I *guess* it just felt more intrusive, like *que*stioning her with that word felt more intrusive than like just getting what it was like for her, like ending there. (Workplace Group, June 20, 2017)	Heather *how* asking questions (presumably curious non-judgmental questions of the kind she normally asks) would "step on someone's experience." Heather admits that it feels "more intrusive." Her feeling was that just asking about the use of the word might somehow convey to the woman that Heather doubted her experience. I wonder if Heather's caution is because she really *did* doubt the woman's experience and so was very careful not to betray her incredulity. In our group, she may also have self-censored her felt judgment and manifested it simply as ignorance, knowing that would be the more acceptable expression. I can't be sure since none of this was voiced, but it would be something to review with her, perhaps individually and without the scrutiny of her peers.

Uma later follows up by asking Heather what would have been an example of a question she might have asked that would have been "intrusive," and Heather replies a little quietly, "I don't know, do you have any thoughts?" At this point, I sensed Heather becoming more uneasy under the microscope of her colleagues' questions. Uma, perhaps

sensing her co-worker's discomfort, tries to support Heather's answer and validate her disquiet:

Table 10.4 – Heather D

<u>Uma</u>: I'm just wondering…if it was the word "liar," what would you say? "What does that mean to you?" What would you say if it was "liar?" I know it's so complex because it's hitting up against something that's uncomfortable, right?	While she expresses compassion for Heather's discomfort, Uma's voice in the recording sounds a little more concerned or maybe impatient, perhaps taking for granted her own comfort with tackling delicate subjects like these in mediation.
<u>Heather</u>: Or just, like, *vague.* I didn't *know* what to *ask*. It's like "Oh, you *thought* you *heard* that?" I didn't really *know* what to ask except "How did that make you feel?" I guess I—I didn't *know* what to ask after that, maybe that's the— (trails off)	I experienced Heather's words here as frustrated and vulnerable. Hearing her emphasis on "vague" was especially poignant, because from other conversations, I know Heather to rely heavily on structure and order, and less on improvisation like her co-workers.

Robert and Heather eventually explored the similarity or difference to another case they had had, where two co-workers were in disagreement about whether or not one had purposely pushed the other. Heather talked about how in that case she focused on moving parties forward, acknowledging that they had different versions of what happened and supporting them in thinking through what was underneath their reaction, how this

reflects what matters to them, and how they would like to be treated moving forward. Robert wondered whether exercising the same strategies with this race-related case would be "giving short shrift" to the party seeing as she was impacted by the incident over so many years. Would focusing on the present moment, rather than past wrongs, shift the focus detrimentally in this situation? Heather agreed it would and "that's why it didn't work" (June 20, 2017). Heather and Robert then turn to brainstorming approaches that could be helpful in situations like this, such as caucusing:

> <u>Heather</u>: I mean…[using caucus for] exploring a little bit more and also helping my own discomfort around it but then trying to see if there's any way that there can be that check… "this is like, definitely how you felt it happened? Is there a way to accept that there is maybe a slightly different version of events and how do you want to-- do you want to stay here or do you want to move forward?" That's why she wanted to have the mediation was so she could just get it out of the air and move forward. She didn't want to stay in the place of like, "You did this to me, this is what happened." That's where I failed, I was not helping her to move from that place.
>
> <u>Robert</u>: Caucusing is interesting as a tool because it would allow you in a one on one, which you already have that relationship, to just be more transparent about your anxiety that "I want to help you have this conversation. I ask questions if I – stepped [on you], you know, just know it's coming from of a place of trying to find a way to have the conversation. If you don't get the acknowledgement that you

may be seeking, where do you want to go from there?"...I mean, I'm thinking out loud, I see where that could be helpful. Something similar with the other person.

Heather: That could have been helpful. I remember asking her that in coaching. "There is a good chance that he's going to say that he never said this and he…doesn't remember it. If that's the case, what would you want?" "I just want to be treated with respect," and something else [she said] I can't remember. "That's what I want moving forward." (Workplace Group, June 20, 2017)

Because the debrief turned to a conversation about strategies and techniques, which is a more common and comfortable conversation for mediators to have, I felt compelled to return to the original difficult conversation to move us toward critical reflection:

Table 10.5 – Heather E

Me: I want to go back to the critical moment that you described because it sounds like there is the dilemma that you're experiencing in understanding, umm, what to do in a situation like this where race comes up (and maybe there are other things that might come up that would have a similar freeze response in you) where you don't feel-- Tell me if this is the wrong	Here I am summarizing the crux of what I see as Heather's critical moment. Ultimately, I'm wondering if her caution is warranted in the balance of a) her expressed deference to her client's personal experience and, b) her assumed role and

word, but you almost don't feel allowed to pursue a train of thought or exploration that you might ordinarily pursue if it were a different subject and that that has to do with your, umm, awareness of yourself as not being able to understand that person's experience. But it's not just not understanding that person's experience, because your job as a mediator is always entering other people's experiences and trying to understand them. It sounds like there's something more about—Well, what else *is* there that's playing into…?	responsibilities as a mediator.
Heather: Well, I think that that's *part* of it but I think another part is the part that Robert brought up, which I didn't *think* about before which is when there *are* two [sides], where it *is* this, like, "something happened," "no, it didn't" and (long pause) …trying to understand that there's more than one perspective to a story *isn't* enough…And *yes*, race was *part* of it and I	Heather here makes what I think is a significant breakthrough in terms of her clarity, after having expressed much fogginess and vulnerability about her hesitations in the mediation. She articulates clearly that a difference between parties about whether or not one has been

think that's why it's (pause) *more*-- why I'm *seeing* it a little bit more than I probably would if it was just like "this happened," "no, it didn't," like [another] case. Um, I'm feeling more stuck but I think that that *is* part of it. When it is *so* powerful for one person…it doesn't *matter* if there was another perspective. Me: So it's like when one person's experience is strong enough that it almost drowns the other, or renders the other irrelevant? Or what is it that gives that experience so much power in your eyes? Heather: I mean in *this* one I think it was *race*, 'cause I didn't feel that way (trails off quietly) mmm? I was going to say with the [other case] or-- I did kind of with that one too (quietly). What was the question? Sorry. Me: Yes, I mean, it's curious. I'm asking as if I don't understand anything, I can relate, you know, but I think-- I *hope* it would be as useful for you to step by step peel away the	racially discrimated against is very different than a simple case of "he said, she said." In the case of race, she notes that the experience is "so powerful," so "it doesn't matter if there was another perspective." Racial prejudice, in Heather's mind, trumps other types of concerns, so her usual strategy for "he said, she said" cases "isn't enough." I go a step further here to see if Heather can clarify for herself *why* racial prejudice experiences seem more powerful than other identity assaults. It was an important question, I believe, but unfortunately I let it go, in the face of Heather's discomfort. I may have felt like the debrief had held her in a place of tension for too long, and we needed to wrap it up.

layers of why is it that in the case of talking about race, there is more, uh, caution for you.	
<u>Heather</u>: Delicacy.	
<u>Me</u>: Yeah. And, in terms of your *role* as a mediator and what you're ther-- what *purpose* you're there to serve, how are you balancing that caution that comes out or the delicacy that comes out, and your responsibilities as *you* see them towards the parties?	I minimized my earlier question by expanding it (before she could answer it) into another question about how her caution affects her role as a mediator.
<u>Heather</u>: Well I think, I *didn't* balance it very well in this mediation. Umm (long pause). I mean I think probably a lot of things, and I can keep thinking about it. I think part of it is just not-- not wanting to seem *ig*norant. Like I *don't* know that word, I've never heard it, but obviously that doesn't mean that people don't use it and I don't know any—and you know, she's had like a lifetime of experiences with race. You know, so not really wanting to *tre-ad* on	Heather acknowledges she didn't bring forth her role well enough in this case, in the face of her discomfort. She goes on to hypothesize about what may have contributed to it, such as not wanting to appear ignorant. In Heather's mind, it seems, asking her client about her experience with that word was equal to challenging her experience. This, I think, is why she got stuck, because the usual mediator strategies "gathering

that? Me: And what would be appearing ignorant around that do or not do? (quietly) Heather: Like if I said-- and I *might* have said this in *co*aching, “I've never heard that before.” If I said that in the *room*, then it would be like-- going more towards *his* side. Me: Giving more legitimacy to him, because you’re another person who doesn't understand. Heather: Mhm. Me: Is there more? Heather: *Probably*, but I don't *know*. I'm not-- *sure* (shaky).	information” and “asking curious questions” felt too risky to her within the unfamiliar and sensitive territory of racial prejudice, especially given she is not a person of color herself. I ask Heather to go further in imagining what possible harm would come about by her “appearing ignorant.” Importantly, she clarifies that she does not want to appear biased by expressing the same ignorance as the other white person in the room, the respondent. I stopped us here, seeing Heather had labored heavily in this self-reflection and seemed tired.

Heather’s colleagues continued to brainstorm with her, and it was evident from the questions they asked her that they were very invested in supporting her. They seemed careful not to push her too hard. The tendency to tread lightly when debriefing colleagues, especially if our own choices would have been different, is a recurring experience that I will discuss in the next chapter. Heather’s co-workers, in particular,

seem to admire her consistency and wide experience with mediation styles and trainings. During the conversation related in the last chapter about intuition and going off script, Uma shows appreciation for Heather's consistency. Heather remains humble in receiving the positive feedback, crediting this consistency to her extensive mediation training.

> Uma: Can I say something? You know, even when you're *not* mediating, even when you're just talking to us about our lives, you're the *same*. You listen *a lot.* That's part of who you are.
>
> Heather: But I *think* that's from mediating-- I don't think I was like that before (group laughter). Not that I was *that* different, but I *think* it's from the training. (Workplace Group, May 31, 2017).

While for the most part staying true to her expansive training has served her well, she felt ill-equipped in this situation, because of the strong response it produced in her. As someone who seems more inclined toward received knowing than her colleagues, the strengths it usually brought to her (seamless, well-practiced interventions) did not serve her in this instance. Heather's fear of misstepping with her client also froze her into a separate state of knowing, where she could not connect with her client enough to exercise that improvisational response to felt need that her colleagues regularly rely on.

Going for It

"Nathan" is a community mediator who volunteers for the community mediation center that participated in this project. The case he spoke about involved a party who had wanted to collect $500 from an eyeglasses company that she claimed did not repair her

glasses correctly. Though the company had replaced them three times, she said they were not right each time, and she was sure that one of the staff members was not fixing them on purpose. Here I am debriefing Nathan's critical moment. Colleagues "Ted" and "Stan" also chimed in after a while.

Table 10.6 – Nathan

<u>Nathan</u>: So, at the moment, the critical moment was whether or not to, in my reflection, use the word racism or not. It was like was 90 minutes in and we were just going in circles at that point. So, I went for it [laughs] and…I *think* it *was* the right decision…since none of them had used the word, uhh I think I was definitely injecting myself into the situation…[I thought:] "They're not going anywhere. I need to name what's actually happening here in order for it to have any hope of moving forward." <u>Me</u>: Can you describe how you did that, like what the moment was and who did you address?	The way Nathan relates his critical moments doesn't seem to indicate much uncertainty. He recounts it almost matter-of-factly. He seemed very satisfied with the choice he made. The way he describes his intervention reminds me of someone describing the move they made in a chess game. I don't know whether to attribute that to Nathan's usual way of speaking, because till now, he hadn't been particularly vocal in our group. Working inductively, I would say that Nathan sees his goal in mediation as more resolution-oriented. He believes he is an agent of change responsible for moving parties forward. This contrasts with other, less directive mediators, who would "follow" the parties as the primary agents of change.

<u>Ted</u>: Before you do that, can you tell me what were the cues for you that, in some sense, determined on wherever level you determine it, that there was a race-- some racial component to the relationship?	I appreciated Ted's question here, not taking for granted that we all understood that it was a "race" issue based on what he shared so far.
<u>Nathan</u>: Yeah. So the woman, the complainant was, I *think* - I don't know exactly where she was from, I *think* Jamaica, and then the owner was Puerto Rican. But she kept describing about-- well, first she was all about that she felt lied to. She felt that the woman-- one of the staff members was like cleaning the glasses and *knew* that they were foggy and had done it deliberately to kind of deceive her because when she got home, they were foggy again. So, she kept saying, "The most important thing is I was lied to." Then later on, she shifted her story, where she told about another incident, where she went and another staff member had accused her of not paying her bill and she wasn't going	Nathan connects the woman's complaints to a feeling of racial discrimination, and through the reflective debrief, he eventually articulates why. It's interesting, however, none of the things he first mentions as "cues" would automatically tip me off that there was concern about race. I figured we needed to understand Nathan's reasoning or intuition more deeply. What about being duped, lied to, disrespected would add up to being racially discriminated against, for Nathan?

to help her until they resolve whether or not she had paid her bill. Then she said, "The most important thing is about respect and I was not respected. I was disrespected." And she also mentioned an incident where she had played *tennis* with an all-White team, and so she knew about respect or disrespect or something like that.	The "all-White tennis team" is the first cue Nathan mentions that directly references race. I don't fully understand why he has mentioned this last, because it seems the most telling.
So, you know, I could have just continued using her language of res*pect*, but the owner wasn't *getting* it. Like to *me*, it was so *ob*vious that that's where she was coming from.	Again, it wasn't obvious to me from what Nathan recounted, and apparently not to the other party either, but he has a certainty that's worth mining.
And the fact that the owner was *also* an owner of color was, you know (pause), I went even *furt*her along later. So, after I said (chuckle) the word "racism," she-- of course, the *owner* got defensive and then she's like, "Oh, the person who said the thing about the bill, she's Ecuadorian, so she could have never been racist towards you."	Here, Nathan shares an important piece, that the owner, a woman, was *also* a person of color, meaning the issue was not as straightfoward as it may have seemed. Nathan's storytelling style is spontaneous and non-linear, so it's a little hard for me to follow and pick up the salient facts. He's not alone in this style, however, and as I'll discuss in the next chapter, *how* mediators

And then *I*—it hadn't come from the client really at *all* but I kind of said, as though I were reflecting what she said 'cause in a way I *was*, that the racism against African-Americans was different and unique certainly, like, an Ecuadorian woman could engage in that. Umm, so. <u>Me</u>: You said that or you were thinking it? <u>Nathan</u>: Yes, I said that. <u>Me</u>: Uh huh, yeah. So, there was a moment of almost *e*ducating because this person wasn't getting it as you were seeing it, you know, in the larger context of like historical context. <u>Nathan</u>: Yeah. Yeah, I guess there was another moment where I realized, you know, that the owner was not going to-- that I wasn't going to be able to educate her in like 30 minutes about the situation. So, I kind of gave *up*? a little bit? at that point, uh, in terms of making that call about, you know-- I can't, I can't undo [her ignorance	speak affects in part how they're able to reflect with peers. Nathan shares his choice to essentually educate or correct the responding party, inferring from the complainant that she might understand that an Ecuadorian or other people of color can be racist toward African Americans too. Later we will have more insight as to why he felt it important to intervene in a way that veered toward advocacy. Nathan agreed with my interpretation of his intervention as educating, and seemed to have been conscious of this aim during his mediation, saying he realized it wasn't reasonable to educate the respondent in 30 minutes about "the situation" of African Americans in the United States.

about race] in this timeframe, so. And then it *didn't* go anywhere. Stan: Yes. Just a question. When you brought up the racism issue, what were the re*ac*tions of the *pa*rties when you mentioned that?	Stan asks a curious question about the effect of Nathan's intervention.
Nathan: The thing was she was kind of like *down* with it. You could tell that she *did* feel like, "Oh, yeah. That's what I was saying." And the owner was immediately defensive.	Nathan notes that the reaction of the complainant told him he had gauged correctly that racial discrimination was the issue.
Stan: Right, right, right-- picked up on that.	Stan doesn't let Nathan respond entirely, and interjects "Right, right, right" while Nathan is still answering the question. I'm unclear why Stan backed away so quickly from his own question, once he heard that the complainant was "down" with it. Maybe that was the only party he was actually wondering about.
Me: Mhm. So, can you take us through, to the best of your recall ability what-- well, *firstly* you said that they were going in circles. I'm curious what those circles were that they were going in, and was it just repetition that they were saying the same things? Nathan: Yes, and the fact that-- I should give them names. The customer, she kept saying "Respect. Respect. Respect." And	I'm getting to the mechanics of Nathan's intervention and wondering what he means by "going in circles," like other questions I've

the lying thing and just kept telling her story over and over. That was the other thing. I mean it wasn't also repetition, it's also the shifting of-- the first thing was about the glasses and then at one point, the owner offered to give her one last pair of glasses and like that wasn't going to be enough. So, what *was* really going on, if it's not about the glasses? Umm. Me: So, it was like an indicator that there was still more to unearth? Nathan: Mhm.	asked about meanings of terms, like "counterproductive." I think Nathan here is adding more clarity to why he was so certain this conflict related to race. The fact that the owner had tried to appease the client by giving her the thing she ostensibly wanted, but the client was still not satisfied, tipped Nathan off to a deeper issue. The repeated emphasis on the word "respect" was another cue for him.
Me: And you said that *you* felt that it was something that wasn't being said…she mentioned these other things about being-- playing in an all-White tennis team and knowing what respect looks like and that was kind of a big marker, too? And what was another thing that you said was the reason that it stood out to you as a question of race? Or her trying to communicate	Here I'm trying to narrow down what it is exactly about these "markers" for Nathan that tip him off to race with enough certainty to insert the provocative word, "racism," with such conviction.

that? Nathan: (sighs) Yeah. I think just both of her things about being lied to and she was just kinda going, "When I go into the store, I expect to be treated in a certain way and this is a *bus*iness and you're supposed to *treat* me this way and you weren't upholding that." So, those kind of things.	
Me: Uh huh. So, that must have triggered some associations in your mind. Can you talk about what associations? Nathan: I guess I would just say that I would always be a-ware or open to the possibility that racism was happening, and not necessarily to as*su*me that that's what it *was*, but just to be on the lookout. Me: And um-- But like this thing of going to a store and being disrespected and being lied to, you made a connection there with possible racism--	Again, I'm looking to know what specifically about Nathan's experience connects this woman's rhetoric about respect and treatment to race, in his mind. I think it's important because his intervention was a risky one in terms of standard mediator emphasis on impartiality and steering clear of assumptions. Nathan slows down more in his response here, and becomes more thoughtful. He acknowledges that he was predisposed to paying attention to race.
Nathan: Mhm. Yeah, I mean, I guess in my line of work and dealing with transgender	Here Nathan makes a connection (delivered

people, like that's such a common thing to be disrespected at a store. Me: Mhm. Yeeah. And in the moment in which you intervened and you're still going through this process of…taking that risk, one motivation you said was because they were going in circles and you wanted to change it up, right? Like insert something different? Another was you felt this sort of tension of what was unsaid and what needed to be said. How did you come in and what was the-- yeah, was it a *que*stion? Was it a re*fle*ction that you--? Nathan: Yes. I think said-- I *did* say explicitly, it was a reflection of wanting some respect and saying like, "You haven't used this *word*, but I'm gonna *use* it and--" Ted: You said *that*? Nathan: Yeah. Ted: Oh, okay. So, you just-- *ac*tually so you captured it in a way where they could disagree with you and--	matter-of-factly) between his background and work experience to the lens he is using for this case. This was the type of connection I was looking for, I think, understanding that he might have been taking his assumption for granted, and whether it was accurate or not, it was important to check it and understand the belief or experience it rested on. For my interests, increasing accountability for our choices is a goal of reflective practice. I hear some trepidation building up for Nathan here, and I think with my microfocus on his actions, he may have started to feel self-conscious or second guess himself. I admit that I had some concern about the satisfaction he seemed to demonstrate and in my effort to help him slow down and deconstruct the motives behind his choice, perhaps I betrayed some of that concern. I think Ted shared the concern, because his comment was focused on confirming that Nathan had left room for parties to contradict his assumption.

Me: Yeah. And so, you put it out there and then there was defensiveness from the respondent? Was that? Yeah. Was that the first person to speak afterwards?	
Nathan: No. I think the customer, she did. She's like "Yes." She acknowledged it.	I needed to leave space here for Nathan to answer, and I think I didn't because Ted trailed off with his question, maybe feeling aware of the judgment he might have had?
Me: Yeah, yeah. so What is it that-- I mean, in looking back on it, what, if anything, is unsettling for you about that moment?	
Nathan: Well, only what would be unsettling I guess would be the thought that I shouldn't have said that or that we shouldn't name racism when we see it, if that is, like, the teaching here-- I don't know if it is or not but--	Now that Nathan has made more connections between what he saw and heard in the parties and what conclusions he drew, I want to know again if he feels unsettled. His affect didn't seem unsettled at the start of the debrief, but maybe in thinking it through, he found more reason to be?
Ted: It isn't. They don't care if that comes up. I mean you can't-- if it came up directly, you certainly could reflect it. The question is that how far you go I think in— and I don't know the *ans*wer, in how you reframe or restate something. And that's--	Nathan doesn't identify his perception as unsettling, rather worries that he may have broken the rules of the mediation center somehow. I think his epistemology of lived experience trumped his training, but now – with our questions – he may be worried that he's been "caught." This would be something

you know, I think if you have the ac*kno*wledgment of the person, that validates what you do. I have a question if I may ask. Me: Yes. Ted: What did you think would be accomplished by clarifying it? Nathan: Well, I mean, there is kind of a third element. And this might be the problematic part, which is-- I mean, I was sort of curious what would happen. (laughs) Ted: That's interesting. (laughs) Me: So you were innovating or experimenting, which is something that few people *do* and that's part of where learning comes in, too. Nathan: Because I haven't had-- I would say that race has definitely been an *e*lement in past mediations but not to that degree where it was like e*xac*tly on point what the	to double debrief with Nathan. Ted assures him, in any case, that bringing up race is definitely OK if brought up by the parties, but he's unsure how much we can assume without parties directly saying it. He admits that since Nathan had the OK from the party that the matter *was* about race, then it validated his choice. Nathan admits to a motivation in him that may have been "problematic," that he wanted to "try out" an intervention. He's speaking directly here to his desire to experiment, perhaps because it is an area that is important to him, given his advocacy work with transgender issues, but for which mediators don't get adequate guidance. It could also have been the opposite situation, in that he was detached from the outcome of the case, that the stakes were low enough for him to play a little with his practice. I immediately reframe Nathan's admission into the notion of "innovation," attempting, I think, to remove the stigma from taking risks like this, which I

issue was. I haven't had any mediations where it has come up before. (Mediation Center Group, August 7, 2017)	believe are important to evolving practice. But looking back, I would like to have added the caveat that innovation and experimentation need to happen in conjunction with accountability and ethical practice as well. Nathan seemed almost excited to be able to mediate a case that related explicitly to race, and to be able to name it and speak openly about it in session.

At this point, I transitioned us out of the reflective debrief and tried to synthesize my interpretation of the struggles involved in these cases, with input from all in the group. In retrospect, I think it would have been wise to turn the first question about learnings to Nathan himself, to see what he perceived as a learning or shift, if any, through this exercise. The topic was interesting enough for me, however, that I was eager to explore it too, and step out of the facilitator role. I sometimes did this kind of "thinking aloud" as an opportunity to engage my own variation moments, as I was picking them up from colleagues. My understanding was enhanced through others' experiences and through their responses to my own meta-reflections.

Table 10.7 – Ted and Rochelle

Me: I don't really have this fully formulated, but I'm thinking about the challenge of being "fish in water" to some extent where-- I mean that's something that you connected to your work as well with trans individuals and that there are some similarities of experiences, and that's not the case for every mediator..Yet, it's the environment that we're in that we're completely surrounded by. These sort of cultural norms that we exist in may make us blind to seeing racism.	Here I'm pointing out the experience of being a "fish in water," but not in the usual sense of being subject to the dominant culture, rather being a fish in water for a subculture or minority view, like Nathan who spends most of his waking hours considering discrimination cases against transgendered individuals.
For example, maybe that respondent wasn't "getting it" because it wasn't *her* experience. I don't know. I haven't seen that community mediation centers do a whole lot of preparation around that or awareness building around-- surprisingly so, because so many clients that come to these centers are low-income people of color and the overwhelming majority of	I'm connecting the respondent's inability to see the racist element in the complaint with the experience of being a "fish in water," taking for granted the surrounding culture we live in. I note my frustration that mediation centers don't place emphasis on looking more critically at these surrounding issues. So I am validating Nathan's capacity to see race when it can easily remain an invisible element for mediators. Though, throughout the debrief, I still wanted to spur his epistemic accountability, to identify

mediators are you know, middle-class, White identifying. So, I just wonder what we're not seeing or what we're taking for granted that came up for *you* in your particular framework that you operate in, but isn't going to be a given for every mediator and yet, it might have been *the thing*. You might have actually *named* something that was really the thing she was trying to articulate. And it's of course, so complicated because you also don't want to be-- Somebody might not want to articulate that for any number of reasons. Maybe she didn't want to be seen as playing the *race* card, so to speak, or she didn't want to openly *shame* the other person because to be called a racist is a shameful thing even though it's been proven that we all *are* (laugh) in one way or another. So, in thinking about what *good* we can *do*, this is a cr*iti*que of mediation that has been	why he thought as he did, even if I found it personally refreshing to hear a mediator have racial injustice on his radar. Because I think it's important that mediators be aware of this all too common blind spot to racial and structural inequality, I took on a bit of a "teaching" pedestal in this moment, in much the way I would when discussing reflective practice or action research meta-reflectively. I think it's OK that I did so, but I believe my participation in these groups would have been enhanced had I had actual cases and critical moments of my own to struggle through. Since I was always in the facilitator role, when I spoke out with my personal opinions or beliefs about practice-related things, I think I may have come across as more of an authority than I would have liked, because there weren't enough moments of vulnerability for me in the group, and because, at the end of the day, most saw this as "Rochelle's project," versus a collective. More time, apart from the dissertation requirement, would be required to reach that point of

written about, whether or not it propagates the status quo that's out there in our larger society, when we have these *spa*ces we're bringing people into and we, ourselves, might be inadvertently reinforcing that same blindness to certain experiences that people *have* because we don't experience those things. You know? So, I'm just thinking it through. <u>Ted:</u> Yes. I mean I tend to, if I'm in a situation like that, I would-- if I don't know why someone keeps repeating something over and over and over again, you know, that they felt that they were disrespected, they keep saying that over. I'd say, "Why do you think they did that to you?" Or something like that which might give them the opportunity to-- because *they* may not even be aware of why *they*'re focused on that. It's not necessarily that they have a decision point that they're making by whether they want to say it or not but it's	democratic ownership in the group. Ted's point here was useful to me. It's possible that parties themselves could not have clarity

coming out that way. Me: Yeah, that's right. Ted: So, I would give them the option by again, by trying to raise the-- bring in to consciousness why? Why do you think that happened and let them say what they want to say about it. Me: Yeah. That's right. Yeah. So, in a way, our job both for ourselves and each other as mediators, but also for the parties we work with is to support in bringing things to consciousness that might not automatically surface. Ted: And it also-- Because at the point where-- you know, I've been at that same place. Is it *my* sensitivity? The other way to look at it is: I'm reading something into what she's saying because I have the sensitivity to that and she may not have that sensitivity to that. So, I'd rather just frame it as a question. Me: It comes back to my earlier point	about what they're reacting to, even if it were race-related. They may need time and continuous invitations to explore the cause behind their expressed feelings. Ted is keen on giving options to party, a practice I also advocate. This still does not resolve the invisible power dynamics in a room. A person of color's experience with bringing race up in a room of people who don't experinece in the same way, can form a long history of negative associations with speaking openly about one's felt discrimination. I speak explicitly about this later in our dialogue. So, even if Ted invites parties to speak their truth, they may not trust his capacity to hear that truth, based on their past experience. So, given real societal inequalities, was Nathan's intervention good practice, though it wasn't initiated by the party? Might the woman have remained ambiguous about it until he named "racism" as an issue? Ultimately, we see how impossible a task it is to fully understand the effects of our interventions without input from parties themselves, as we also discuss here.

about when is it something that we're doing because it's *ac*tually what we're seeing or is it surfacing inside of us and we're projecting it or assigning it? It's not full-proof, right? I mean none of it is full-proof. We can't ultimately-- just like you were saying, you can *never* fully *know* unless you sit down, have a very in-depth conversation with that party, maybe like have an opportunity to candidly ask about how your-- what you did--- landed. Stan: As you said, there *is* no way to know for sure.	Ted goes onto explain that he prefers questions to statements or reflections, to ensure against the possibility that he could be "reading into" a party's behavior something that isn't there for them.
Me: Yeah. And even so, there are these other unspoken dynamics in mediation which are that, whether or not we describe ourselves as authorities or *not* authorities, we can be re*lated* to as authorities of some kind. So, there *can* be-- and again, this could play out in the ways that it plays out in society, like a white male person and a	I am articulating here the complexities with unacknowledged power in the mediation room. My voice is engaged and excited here, because the topic is important to me.

female of color or something like that. There might be a deference there that is borne of just societal conditioning and that might make that person less open, you know, less able to speak freely, more concerned about not being seen as a judgmental person or a negative sounding person or whatever. And those are things that are beyond our capacity to control but…*this* practice exists within that context, it affects what comes into these rooms. We don't mediate in a *bubble* even though it seems like that. But those, the experiences of parties *prior* to coming to us for that small window of time and their experiences *after*wards are significant and kind of couch that experience that they're having with us in the room. But I mean-- So, given that we don't have full-proof ways to gauge all this, given that we can't resolve society's issues and the	

fact that we live in a classist and racist *world* in many respects, what are the things that we can do to assure that we're not-- that we *are*, as you say, [Ted], actually following where the parties are going and not putting our *own* lens on it and *when* is our *own* lens (laugh) actually helpful sometimes because it's relevant? Yeah-- Ted: Right. Those are all good questions. (laughter) Me: Great questions and I don't have answers to them. (laughter) But I also *want* mediators to ask them of ourselves more. So, even if we don't have set answers, I think it matters that we care about those questions, that we don't make the assumptions that, "Oh, here, one window of time, neat and tidy process, follow the process, hands off. That's all I have to do." To consider that we might have greater	I experienced a re-entry to the room in this moment, as I had been caught up in my own thoughts. Ted's comment and laughter initially triggered a fear in me, that I had slipped into an unexpected "soap box" uncharacteristic for my supportive, question-asking role, or that I was "getting too serious" about questions that were not as important to others in the room, or something else I've not considered. In my effort to not sound as intense and to re-establish comfort through my more usual mode of conduct, I join in lightening the space, like Ted,

impact and that we also risk propagating things that aren't useful or very helpful.

<u>Ted</u>: Sure, sure. Well, one thing is-- I try-- I don't see impartiality as like this objective neutrality. My understanding or standpoint on impartiality is that when you're speaking, I *believe* everything you say and I reflect it back with some simpatico of passion *back* saying that I *hear* what you're saying, that I *hear* who you are in your story, and then I do that to *you* [the other party].

I think that kind of thinking breaks through some of the-- whatever distancings there are between me as the mediator or the White person or whatever it is, it doesn't eliminate it, but *that* approach is-- that in*vest*ment creates a kind of a *trust*, as long as I do it to *both* and I…think that *really* active listening where you're in*vol*ved in what a person is saying is helpful instead of just saying (monotone voice to convey

but then catch my instinct to undermine something that mattered to me in an attempt to defer to the three white men in the room. I am aware that in life, I have learned to prioritize the comfort of people in power, even if it sometimes means censoring myself. Conscious of not doing that here, I go on, in more measured voice, to reiterate why the questions are important to me. No doubt my position as convener of the group facilitated my confidence in doing this.

Ted returns to specifics. He speaks for himself about a way in which he tries to ensure an ethic of accountability within his practice. For Ted, treating each person as if their story is entirely true and important can transcend identity boundaries. He describes the mode as "*really* active listening," set in contrast to what I understand him to mean as "going through the motions of caring." This level of expressed care, as he sees it, conveys real understanding for a party, such that they can hopefully bring themselves forward.

<table>
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<td>lack of interest) “So you feel…”
Me: Like where there is a felt sense of investment and care?
Ted: Right.
Me: Yeah. What about any ideas about how to catch our blind spots in terms-- particularly, when we're doing this stuff by ourselves, as so often will be the case? Are there types of questions that we can ask ourselves that might take us “out of the water,” so to speak, in that analogy of being a fish in water? (silence) Because I think that's-- You know, like, again, we are going to be limited by how far we can go, by how deep we can go.
Stan: This reflective practice is a very good start for all of that, you understand just to simply stop and question yourself. This is highly recommended if you'd ask me…to improve the quality of your-- how you function as a mediator.
So, simply question, just stop and reflect.</td>
<td>Ted and I are basically having a dyad conversation at this point, with Nathan and Stan listening in. We are working off one another’s ideas to expand our understanding. This type of learning has a Deweyan sense to me, seeing each idea as a bridge or opening to another, but not resting in any finite conclusions about reality.
I invite others to contribute, conscious that Ted and I have been doing all of the speaking. I want others to have the opportunity to engage, but Nathan remains silent, and Stan responds with praise for my work, but does not speak directly to process. Stan’s way of knowing seemed in line with received knowing in that he was very receptive to “the script.” He faithfully used the Post-Mediation Inventory Questions I had passed out at the first session, when most mediators set them aside. Striking me as a very humble and kind man, Stan often minimized his own ideas or work, like when we shared mission statements and he apologized for the simplicity of his compared to Ted’s. After this</td>
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Very in*sight*ful questions you put forward in the material that you gave us. Excellent. Ted: I think you can-- again, that asking of questions. I try to, as often as I can *no*tice, when I'm not sure of position, or I'm a*ssu*ming something about it, to *ask* the other person. I'm not *sure* I understand what you're saying or *why* are you saying it. Could you tell me *more* about that? That simple act is helpful to me because it stops me from making-- as*su*ming something that may not be true and that's not always that case. And also, to be open to *other* evidence, other little things that are being said or done that don't fit into what you think, what you're assuming is going on. That's kind of a subtle thing, but I think-- Me: Like inconsistencies with your frame? Ted: Yeah, with my own frame. And asking questions helps me to *hear* those. Me: Yeah, it's almost like we can conduct	debrief, in fact, Stan brought up one of his cases, but preferred to ask for advice than to go through a self-reflective process. He was more comfortable with clear directions and rules. At the same time, Stan seemed very interested in keeping good relations with others, and regularly asked curious questions about one's life and work. He is someone who clearly valued a connected knowing in some contexts, but did not exercise it in a procedural sense for his mediation practice. Ted then answers my question by giving examples, and we continue with our learning conversation. I felt that given Ted's depth of insight, Stan and Nathan perhaps felt more inhibition in sharing their analyses. Having only two sessions with this group, we did not have a chance to move too much past these dynamics, or to explore my interpretation of them.

reflective practice with the party as *well*. Ted: Yeah, he or she is doing reflective practice on *me*, when they tell me *more*. Me: That's *right*. Yeah, that's *right*. You're checking, you're coming at it from a place of curiosity. It's all of these things that we were talking about in the reflective debrief, the guidelines, about not making a statement, when a question will do. The client sets the field of exploration and it's your job to sup*port* their exploration. Um. Ted: Yeah, and that's a *good* one. If they're going *this* way and I've been going *this* way, then I've gotta go *that* way [the client's way], it's that simple. You know, unless I'm so invested in this and that's my blind spot. There's something else going on. But it's very *del*icate, because I think sometimes there's something else-- your focus is this way and they focus that way, you go that way, which is also many times there's a conflict, but the conflict isn't really about	Here, Ted and I recognize that our idea of reflective practice coincides with what we would ideally do with parties, particularly in a case where there is a danger of mistaken assumptions, as would be cases involving people from different racial, socio-economic, or cultural backgrounds. "There's something else going on," says Ted, if we persist in going a direction that the party is *not* going in. By this I think he means our blind spot is at work. We could say this is what

<table>
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<td>what they're having a fight about.
It's about some underlying relational thing, whatever.
Again, it goes back the other way, where we're now reflecting to them on whether their bias or the way they're presenting is really all of what's happening. I think it balances back and forth.
<u>Me</u>: Yeah. And so much of that, has to do with our internal state and our genuine curiosity, I think. There's some sort shift that needs to happen if there's any-- This the danger when you mediate a lot, right?</td>
<td>Nathan did in his case, except that his intuition seemed to be confirmed by the party. We don't know, however, if the other party felt he was fair or impartial. Maybe Nathan felt it wasn't his job to be impartial in a case involving possible racial discrimination. Maybe his sense of advocacy and justified trumped the "mediator handbook" in this case.</td>
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<td>It's that you can start to believe that you've seen this case before: "I know how this is going to play out. I'm pretty sure I know what they're going to ask for." You know, you start to make assumptions more easily because the patterns seem familiar to you and so you lose that sense of curiosity that's so vital to having people-- have that dynamic with you, essentially reflecting</td>
<td>I note the danger of "automaton syndrome" to experiencing the curiosity and genuine care required to build trust with clients.</td>
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with *you* about what's really going *on*, what is this really *about*? Ted: You know, in Zen, you sit a lot but there's also something called "doksan," which is in English you can call one-on-one or mutual inquiry in which you do this, with somebody else and you're checking on your *practice* basically, and seeing if you're reifying or something or you're trying to grasp after something. You don't notice it because it's your blind spot. And so you're *doing* that and it's mutual. I think that model in my mind when I do this, helps me. Me: Yes, that *is* really helpful. There's something like that with the Benedictines too. I forget what they call it, something about like, a circle of people all asking you questions, to try to get you deeper into your truth, I guess. Take off the layers. Ted: Exactly. That works for me. (Mediation Center Group, August 7, 2017)	Ted and I continue to expand our connections through other life practices comparable to reflective practice.

Takeaways

The preceding dialogue goes a long way in capturing the critical learnings for me surrounding Nathan's debrief. I found it helpful to spur Nathan in thinking about the cues that led him to believe that racism was involved. The case also brought to light the different ways that mediators tell their stories, and the fact that not all stories are told in linear ways, even though a reflective debrief has a successive linear – as Ted put it, "rational" – way of evolving. I put a lot of effort into understanding why Nathan had drawn the conclusion he did, in helping him be accountable for his claim *and* his intervention, even though he felt satisfied that it had been successful. Nathan's silence during the follow-up conversation about race-related cases, "fish-in-water" scenarios in general, made me wonder if more thoughts or doubts had been raised for him in the end. As in all of these debriefs, the double debrief would have been useful in all of them, but time constraints prevented us from doing it in every case. I would like to know if Nathan felt he would do something differently looking back on it now. Though there seemed to be real value in his insertion of the word "racism," I am not clear on whether his approach was well-received by both parties. We resign ourselves to the impossibility of fully knowing how our interventions come across without the input of the parties. To some degree, reflective practice is a guessing game about the other important conflict participants who are not in the room.

Heather's case also triggered important meta-conversations about race-related matters in mediation, specifically what makes an allegation of racism different from

another kind of allegation. Heather was able to clarify the thoughts and fears that triggered her frozen state in this particular case, why she did not feel confident to call on her well-practiced toolbox of interventions. Heather's colleagues were especially active in supporting her thought process, and were sensitive to the vulnerability involved in sharing a hard moment in a mediation, as a respected trainer herself, and in the presence of her supervisor. Though all agree that Robert does not come across as a supervisor, the fact remains that he is and his position alone may inadvertently create a level of self-consciousness that might not otherwise be there. Heather's reliance on habitual interventions, I think made it more difficult for her to be improvisationally responsive in a personally uncomfortable situation, whereas her colleagues had more facility for "going off script." Colleagues and I tried in that debrief, as in the one with Nathan, to support Heather in clarifying the source of her reactions and the validity of her assumptions based on her perceptions.

Critical Moment 6: Speaking of Vulnerability

"That probably would've been a good time to bring it up…as to why she reacted the way she did, um, but for some reason I didn't, I didn't explore it. Um, and it wasn't an entirely conscious decision on my part not to explore it…That's the part that weighs most heavily on me is why-- why I chose not to explore that avenue, 'cause I think it could've possibly been useful to getting underneath the…surface layer of the situation."

The final category of critical moment I am highlighting relates to moments of vulnerability for mediator in the face of their own doubts or the vulnerabilities of a client that leave them stumped and silent.

Things Left Unsaid

"Mark" was the first volunteer debriefee in the Mixed Group, and shared a misgiving about why he had not explicitly explored a strong emotion that came up for a party in mediation. Because this was the first debrief, it served as a signpost for us moving forward, and was often referenced and double debriefed. I will include here some reflections-on-reflections as well to illustrate the various directions and layers a debrief can take, and the critical moments in the practice of reflection as well.

Mark described a case involving a homeowner and a contractor, in which the homeowner was billed a much higher amount than she anticipated by the contractor and who expected payment within a week. Mark identifies a critical moment, or fork in the road of his mediation process, that weighed heavily on him:

> <u>Mark</u>: One of the issues that the homeowner brought up was why she wasn't receiving invoices so I was trying to go through with the contractor to help explain why there weren't monthly invoices when that was called for in the contract, and the contractor had brought up that the homeowner had left the country for close to a month and that she didn't want to send an invoice while she was out of the country on vacation, and felt that would be a violation of the homeowner's recuperative rest and relaxation time. And, the homeowner was pretty reflexively upset about that, more than I would've expected someone to be about the mention of going on vacation. So internally I thought "Oh, that's interesting, something we might want to explore"… But at the time I sort of said "Well, this is helpful for me to understand everything that's happened, but maybe let's get

better context about the situation you're in." So I didn't explore it at that time. Um, but every time [the vacation] came up, she became progressively upset at the mention of this. (Mixed Group, March 19, 2017).

In the debrief segment to follow, he goes onto describe other possibly missed opportunities to bring up the woman's strong emotional response:

Table 10.8 – Mark A

Mark: They were both getting more upset so I thought it was useful to speak to them in caucus instead of together. Um, and-- that probably would've been a good time to bring it up with the *home*owner as to *why* she reacted the way she did, um, but for some reason I didn't, I didn't explore it. Um, and it wasn't an entirely conscious decision on my part not to explore it. And so that's part of what I think weighs-- heavily on me.	Mark identifies his response to the high emotionality expressed in the case. This is his first opportunity to be direct with the complainant about her strong reaction, but he cannot yet identify why he didn't.
And..um, you know, another reason why it weighs heavily on me, is that when I met with the *con*tractor separately, she had mentioned something about the homeowner's parents being dead, and so—	Mark identifies one reason why he was reticent to ask directly about the woman's emotionality, because he thought it might touch on a

that-- perked my interest again in exploring maybe why she'd been out of the country for an extended period of time. Um. But-- she..(hesitates)..eventually-- what the homeowner really wanted was to be h-- heard and understood, and that did *ha*ppen. The case didn't settle but they did agree to speak to an arbitrator. Um. But that's the part that weighs most heavily on me is why-- why I chose not to explore that avenue, cause I think it *could've* possibly been useful to getting underneath the cover, the surface layer of the situation.	sensitive topic for her about her parents' death. Mark states that the homeowner wanted to be heard and understood. He believes this happened, but he is left with the doubt that he could have done more to explore her hurt. He mentions here that the case didn't settle. Another mediator, listening to this audio, wondered if Mark would have felt the same doubt had the case settled.
<u>Me:</u> So, thank you, that's helpful. Can you say more about *that*? Um. Say more about what it was-- what spurs you to think that you should have, what purpose would it have served had you explored that avenue? <u>Mark</u> - Well, that's the *pro*blem. I don't *know*. I mean, what triggered something in my mind to think about it in the first place was her *strong* reaction simply to the	It's worth noting that this was my very first reflective debrief in the groups, and hearing myself, I sense my intensity and concentration at work, aware of being observed by colleagues and the significance of this debrief as an ongoing model for reflective debriefing. This was particularly true in this group, where a couple of the members were practitioners I highly admire and one in particular whom I consider a mentor.

mention of her having left the country. So I didn't know that there would be anything useful there, but I thought perhaps there could've been.	Mark expresses his uncertainty, both what he felt during the mediation, and what he now feels in exploring it.
Me: And what about-- well, what was going through your *mind* and what came up for you when you observed that strong reaction? Mark: Um. I think I was—"well, that's an interesting reaction to have to that, I wonder if there's something that's *cau*sing her to have such a strong reaction?" And then-- yeah I think that was-- the extent Me: So it made you *cu*rious about what might be behind her reacting so strongly. And then what crossed your mind? That brought up for you a discomfort of some kind, is that right?	I'm trying to support Mark in taking us back to the moment of unsettledness. This freeze-frame approach was one I used frequently to help my colleague slow down their processing to better be able to work with it.
Mark: Uhh, discomfort in exploring it further? Yeah, maybe. There might've been discomfort. Umm—I'm trying, you know--	I found Mark's response here curious and slightly confusing. I interpreted his body language and his hesitant, shaky speech as him feeling a lot of uncertainty and some level of vulnerability in returning to this moment. It

Me: Or maybe *not*. I guess the question is: what did you do with that thought when it came up, or what's behind that? Mark: Yeah, that's part of my question about it (chuckle) is, uh-- I sort of put it in a box or something that might be useful to address later but I never took it out of that box? And—you know, I'm not entirely sure if it was dis*com*fort or maybe there was a part of me that thought it that it *would*n't lead to something that was helpful. Maybe I thought it would only further impede the process? So, I mean, part of—part of what interested me here is becoming more mindful of those things as they happen. So I think, you know, you can't-- it's hard to make informed decisions as to which avenue to go down when you're not en*tir*ely clear on why certain things pop into your mind when they do, and why you choose not to go down them when you're in the situation. That's why I'm interested in	seemed evident to me that he was experiencing discomfort, but he seems to not want to characterize his experience that way. I sensed some resistance perhaps in appearing too vulnerable. I double back on my question, sensing his resistance to the word "discomfort." I wanted to stay with him and not get ahead. I didn't want to put words in his mouth. So I ask more generally what his response was. On his own, though, Mark continues to explore whether what he felt was "discomfort." Mark brings himself back to the present by referencing why he wants to do reflective practice; he wants to be more mindful *during* critical moments, that otherwise making decisions in practice without having a sense of their origin, "is hard."

exploring this.	
Me: So, it isn't clear to you why you had that response in the first place about why--why that *cur*ious response came up? Or why you had the response about deciding to box it?	I bring Mark back to his specific debrief. I don't know if I did this sensing that he preferred to talk more generally as a way of avoiding the spotlight of the questions. I don't remember having done so consciously, however. More likely, I wanted to return to the task at hand, because this was the first demonstration of the process, and I wanted to do it as "purely" as possible, without interruption.
Mark: Umm, more so about deciding to box it and not taking it out again. I understand why I became *cur*ious about the reaction, 'cause it seemed a little more animated than one— than one that I would've expected. So yeah, it would've been why I boxed it and decided not to take it back out of the box again.	He clarifies the critical moment again, the question he is still left with.
Me: So at the time that this came up, the options you saw in front of you were to go *for*ward in asking about her response, or to shelve it, box it and come back to it later. Were there any other things that crossed your mind that you might have done? Mark: No, that was pretty much it. Me: And you said it came up again at least	This type of question, considering options, is typical to many reflective practice models I've seen. The idea is to connect the options to intended purpose and then to assess whether that purpose was achieved. The Insight Model of Conflict uses this approach. I think I may have asked this question here as a scripted response to Mark, rather than picking up where he was. A more connected question, I

once that she had this strong reaction and you chose to not explore it. Um. What is it about…? Maybe, maybe you could explore-- You talked about worrying that it might impede the process to go into it and ask her about it? Can you say more about what fears you had about what might happen had you chosen that avenue?	think, would have stayed with the "boxing." Perhaps, "what ideas do you have about why you may have chosen to box your curiosity?" I asked this because very often, avoidance is a governing variable in practice. Given Mark's careful way, even during the debrief, I wondered if he was trying to avoid an outcome by not speaking directly to something that clearly stood out to him.
Mark: Um. Well, I mean her-- maybe it would be useful to give a little more context as to *what* her response was, and then I'll give-- She was a *very calm* person, for the most part. Her responses were—her responses were measured, she was—she *wasn't* giving any emotional reaction to anything the contractor had said, and then when the contractor had mentioned her being out of the country, she very aggressively asserted that her being out of the country, and why, wasn't relevant to this conversation and had nothing to do with why they were here, and so, uh—I	Mark decides to give more context in order to explain why the client's reaction stood out.

tried to explain I was just trying to understand why there hadn't been *any* invoices. And the contractor was trying to explain and then the contractor restarted …right at the point of her leaving, and [the homeowner] had, you know, the *same* kind of reaction? And so I guess, it's possible—it's possible that it really wasn't relevant to the conversation and she just felt really strongly about it? Um. So, you know-- it might not have helped the process to explore it further, but—but what if it hadn't something to do with the very strong emotional contingent, which-- I don't really have the time to go through in…court with people, so--	As Mark is explaining the sequence of actions and reactions from parties, he is wondering out loud about the possible explanations. He is more or less debriefing himself here, considering different possibilities. I found Mark to be another naturally reflective mediator, as most mediators were who joined this project, not surprisingly attracted to the idea of enhancing something they already feel inclined to do.
Me: So what for you determines what is relevant in a mediation? Mark: What the *par*ties feel is relevant? What they're willing to discuss. Me: So what they bring up and express in a mediation?	I've asked this in other debriefs, too. It's another commonly used term that mediators take for granted. Since what is "relevant" is subjective, and since very often it's a reason mediators give as to why they decide to intervene with a party, I think it's important to understand how we define it for ourselves.

<u>Mark</u>: Yeah, and sometimes there's conflict, because what one party thinks is relevant, the other party thinks is not relevant? And sometimes it's useful to explore *why* that is, but-- <u>Me</u>: So in *that* particular situation you said you thought that it might *not* be relevant? But it *might* have been? (small chuckle from Mark) What *fig*ured into your mind, like *what* were you *no*ticing that gave you *clues* whether it was important or not? <u>Mark</u>: Well, the clue for it being important was the strong emotional reaction she had which was *not* present in any other responses. Um, I think the clue that maybe-- that she didn't find it relevant or at least wasn't willing to *talk* about it, was that when I spoke to her *sep*arately, she didn't bring it up her*self*, because that would've been—that would've been the opportunity for her to broach the subject, is when we were speaking alone.	What are the parameters of a mediation, in our mind? What qualifies as worthy conversation, how and who determines this? I tried to explore these questions with Mark. Mark answered the question with a question mark, which made me wonder if he was answering what he thought was a "right" answer in front of his peers. Once again, I'm asking a phenomenological question here, about indicators or cues, to hone in on what Mark constitutes as *evidence*, or legitimate knowledge. Because the homeowner's response was unusual compared to other responses she had, Mark paid attention to it. He eliminated it as a "relevant" conversation for the client, because she didn't raise it in caucus. Mark is making a couple of assumptions here that he may not have enough information to substantiate: that if a person cares about something, they will express it, and that a caucus (one-on-one with mediator) is a safe setting in which to be vulnerable.

<u>Me</u>: So because she didn't bring it up herself, it was an indicator to you that it wasn't im*por*tant to her to touch on it in the mediation. <u>Mark</u>: Or at least—either not important or not *wil*ling to discuss it? Which—you know. (quietly) (Mixed Group, March 19, 2017)	He clarifies here for himself that it may not be that it wasn't important for her to talk about her strong feeling, but rather that she wasn't willing. I think this realization brings up some regret or insecurity for Mark, who gets a little quiet at this point.

At this point, I shift gears with Mark to think about the bigger picture of his intent and purpose in mediation. I ask him about his perception of his role, and how the interventions he chose comport with that role. I am trying to support him in thinking about the correlation between his theories-in-use and his espoused theories, and also to understand what governing variables may interfere with upholding his espoused theories, and also whether he is committed to those theories, or if they need to change with new learning that happened through the critical moment.

Table 10.9 – Mark B

<u>Me</u>: And there's something about how you see *your* role, sort of like what we were	

talking about with Craig [another mediator]. What do you see your role as in a mediation and how did your response in this situation connect with how you see your role?	
Mark: (deep breath) I think-- I'm *not* sure that I can—I, I just consider myself a support system-- to the parties. And my job is just to help them have a conversation that at least better helps them understand *why* they're in a dispute and hopefully helps them come to their own resolution of that dispute. I-- And as such, I normally try not to interject myself into the? Into the discussion that much.	Mark gives a general answer to this question. There is much to explore: what does it mean to "support" parties? What does it mean to "help them understand"? How does a mediator make that happen? Helping parties understand each other via listening is different than being a "shuttle messenger" translating positions from one to the other. Mark is clear that he does not like to "interject" himself too much, presumably as a means of giving parties the reins. In this critical moment, however, his non-intervention may have been a liability. So it would be helpful to get specific about what party behaviors merit intervention or not, and whether it's solely a desire to let the parties lead that causes Mark to interject less.
Me: And looking back on it now, while you're *think*ing about that, what purpose you feel you have in a mediation, how do you feel your response in that situation aligned with that purpose?	
Mark: Well, I mean I think it aligned with that purpose in that I feel it's their process	Again, Mark's answer is generic and unsure. I wonder if he is simply not clear for himself. The

and I'm just there to support it? Umm— Yeah (quietly) <u>Me</u>: And how do you .. what is it that still *irks* you about that situation? You've been able to talk about-- maybe get clearer about why you chose what you did. Does it still weigh on you, and what is it about it that still weighs on you? <u>Mark</u>: Um, other than that I'm a ruminator by nature (I chuckle). Yeah, I mean, being a support system is a—is a-- *pretty* malleable thing, it's not just-- I mean, I could have interjected myself and brought that subject up and *still* considered myself a support system to the conversation? <u>Me</u>: And what might it have accomplished within your purpose if you had brought it up? <u>Mark:</u> To help them have a fuller conversation, understand a little bit better why they're-- in the dispute. (Mixed Group, March, 19, 2017)	disconnect (variation) he is feeling here, I believe, is in the fact that his desire to follow the party's lead may have gone too far, and in his desire to not interject himself too much, he may have missed an opportunity. A strategy that he thought was reliable he now sees may not be. My question here was likely premature, but I think I wanted to wrap up for the sake of time and discussion. He acknowledges here that there is vagueness in describing himself as a "support system" to parties. Importantly, he realizes that not interjecting himself is *not* the only way to be a support system.

Takeaways

When I asked Mark what the debrief was like for him, he confessed that it "felt kinda like therapy," but that he did experience more peace about the process as a result and thought that going "this much in depth is more helpful to be more mindful about it going forward" (Mixed Group, March19, 2017). In other conversations about this debrief, other colleagues brought up aspects we had not considered in the moment of debriefing. For instance, Rita wondered if Mark had reached a settlement in the case, would he have been left with the same misgiving (Meeting, April 5, 2017). She also wondered if Mark was perhaps reticent to openly admit settlement as a goal given that he was in front of colleagues who he thought might not think kindly on that.

Paul and I also discussed the case debrief, and his questions related to the form of the debrief itself. Since Reflective Debrief was new to all of us, we wondered about the given guidelines, and whether there was room in them for reflecting non-verbals, something that Paul does regularly in his transformative mediation work. As Paul put it, "[reflecting non-verbals] is probably more susceptible to your own anxieties or desires…So then you haven't really heard it…It's easier to substitute your own experience" (Interview, March 27, 2017). Paul's thought about practicing the Reflective Debrief according to the guidelines set out by Susan Terry, was that we could be more sure of remaining true to what the debriefee is saying if we stick to spoken words rather than attempting to capture what we think their non-verbals are conveying, as I did when

I assigned the word "discomfort" to Mark's experience. It was not a feeling he had yet assigned to himself.

While listening to the recording of Mark's debrief, Paul said he was "almost listening to [himself] listen to *him* a second time." He remembered the thoughts that had entered his own mind as he observed the debrief, the words he flagged that he thought were worthy of further exploration, because of the way they were delivered by Mark. We agreed on some of these moments, but not all. Paul eventually encapsulated Mark's narrative about his critical moment as: "I *didn't,* but I *should've*" (March 27, 2017). I agreed with Paul that this seemed to be what Mark settled on, and thinking of it that way, it might have been wiser to focus on the "shoulds" in Mark's head, the "mythical ideals" harkening back to Kolb and Associates (1994). The "should" question is one that Robert, in the Workplace Group, was fond of asking: "in your ideal scenario, how would this have played out?" Getting specific about the expectations that live in our minds about what parties ought to do, whether with each other, or in response to particular interventions, is a way to identify one's underlying theories and then, adjust if necessary.

The experience of vulnerability was salient in this debrief, not just in the party's behavior (her reticence to make herself vulnerable even in caucus), but also in Mark, as he looked back on his case. I expressed much gratitude to him after finishing the debrief, understanding the challenge of sharing a possible "mistake" in a room full of very experienced mediators whom he had just met. In retrospect, I think I could have done more of a trust-building process at the outset of the session, rather than spend a lot of time with definitions or even with introductions. A restorative circle process that would

have created connection and normalized vulnerability, including my own, might have been a stronger way to begin, and perhaps alleviated some of the "hot seat" experience for Mark.

With Mark's debrief, I conclude the critical learning moments chapters, and turn now to the final chapters focused on analysis of our reflective practice group experience and ways that reflective practice groups supported or inhibited learning for participants. In the final chapter I will also list ideas of future research that surfaced while undertaking this project.

Chapter 11 - Participant Takeaways from the RPG Experience

This chapter presents meta-reflections of our experiences with reflective practice in groups. I will also touch on my learnings about action research with mediators via this project.

Purpose of Reflective Practice

During the meta-reflection session for the Mixed Group, a useful conversation surged about the intended purpose of reflective practice. I reproduce that conversation here in part, as it speaks directly to how people came to understand reflective practice after having direct exposure to it through our groups. Paul started the discussion:

> Paul: That again raises from a different angle a question that I've had since we started doing this…There are two possible ways to go about [reflective practice] as a participant or maybe a group, I don't know…Is it to get clarity about what you do and why you do it? Is it to practice an alignment with core belief and values or, do those values themselves become provisional?
>
> Rita: What do you mean provisional?
>
> Paul: If through a moment and the exploration of a moment and an encounter with the moment, do I then clamp the questions…to affirm that fundament or is it to question it? To perhaps reconfigure it, and it seems to me that there is a choice for individuals.

Mark: I mean, I think it's a fair question and I don't see why it couldn't be either or both, directed by the person who is seeking or being debriefed, I guess.

Paul: So that implicates…choices. Whether necessarily it's a good thing to do a reflective exercise with yourself and stitch intervention to value, or whether one should leave it as an encounter, something that one meets in the debrief.

The notion of choice in reflective debrief seemed to significantly resonate with a few colleagues. Mark especially felt moved to suggest choice prior to the start of a debrief, based on his own experience in the group:

Mark: Can I jump in for a second?

Me: Yes, go ahead.

Mark: Because I want to hit on your point about prerequisites, because I thought that your email…asking for more information about [the case I wanted to debrief in our first session] so that you would know whether or not it would be useful…, was helpful for me in pinpointing the specific [critical] moment, and what I was having trouble with.

Maybe make it a voluntary thing to do if people, if whoever is doing the debrief wants to sit down and type out a few sentences as to what the moment was and what bothered them about it and get it a little straight in their heads if they want to. If they don't want to, they can leave it open to the experience.

(Mixed Group, July 16, 2017)

From the perspective of the person debriefing, Rita expressed the hardship she felt on the phone debrief with Craig, not knowing his aim:

> I realized I was a little bit struggling as I was listening…I hadn't really formulated any questions, but I think part of it was not knowing what he was looking for. I didn't know what to ask. (Mixed Group, July 16, 2017)

In that debrief, Craig had recounted a mediation in which he experienced a couple of critical moments, but now felt settled in their resolution. It seemed, then, the purpose of his debrief was more of a storytelling nature, to share how he had handled his difficult crossroads. This was different from the guidelines of the reflective debrief that focus on, as Paul put it, "a question or a quandary about a moment" (July 16, 2017). The relevance of the group or another person as a debriefer becomes less acute if the debriefee is satisfied and settled with their choices.

Though critical moments provided a helpful starting point to a debrief, because of their specificity, the group agreed that one might not actually have clarity about their precise question or moment. The debrief then may serve to explore and identify the critical moment or to generally understand the source of their unsettledness. Having a more general conversation about one's practice, without grounding in a moment, however, risks straying away from self-engagement.

Rita, who is part of practice groups at the court she works in, noticed that conversations there did not focus on a moment, per se. The language in those groups revolves around "something that transpired" with mediators or their parties. As Rita put it, "it's not uncommon for there to be a much larger narrative than a moment" (Mixed Group, July 16, 2017). She attributed this to the lack of structure of those groups, an aspect she viewed as detrimental and hoped she could support in changing over time. She

agreed that it might be difficult for some people to precisely describe a moment of unsettledness, whether because they did not feel comfortable doing so in front of colleagues, or because they were not in the habit of using language of unsettledness or vulnerability (e.g., "I'm not sure I did the right thing"), understandable in the law profession.

I questioned our group about whether or not the micro-focus on a moment, versus a more panoramic discussion about one's choices in practice, was useful, or did it perhaps feel artificial given that it was such a narrow clip of a much bigger picture? Mark's response was that it was useful because it was the "tip of the iceberg" to open the larger discussion (Mixed Group, July 16, 2017). I agree with this assessment as well. From my observations, critical moments – as specific or minute as they were – were "critical" because of their significance to the debriefee. Through in-depth exploration of what lay underneath and behind those moments, we always touched on much more than one moment. Larger conversations about setting, life experience, or challenging moments surfaced readily when we had a concrete illustration to ground our questions and preoccupations.

Like other colleagues, I found the use of reflective practice most valuable for engaging with moments of internal conflict or tension, often related to conflicting or incompatible theories of practice. I elaborated on this idea with relation to espoused theories and theories-in-use:

> This notion of an encounter rings true in that sense in that, we just aren't always conscious of the disconnect between our espoused theories and our theories-in-

use. The unsettledness that you experience with a critical moment is like: ding, ding, ding! An indicator that perhaps there is a disconnect there and so we're going to take a deeper look at it and try to figure out how to reconcile those two things. Coming up against that in an expected way through a debrief is one way that it can happen because…it's beyond language. It's still not quite there and able to be said and so we're being taken through a process to be able to extract the words to make sense out of what was happening.

I do think that if…you have clarity at least ahead of time about what your espoused theories are through these more deliberate practices of maybe writing a mission statement or answering certain questions for yourself, then you will be in a better position necessarily to be able to compare what you've actually done in those critical moments to what you were intending to do.

(Mixed Group, July 16, 2017)

Paul's interpretation of the reflective debrief as "an encounter" also resonated with me as an alternative description of what could come out of reflective practice (versus a finite endpoint). In one of our group discussions, Paul elaborates on the conversation about reflective practice goals by noting that coming to peace about one's choices may not need to be an endpoint of reflective practice. It could be that one simply goes through a journey of recognizing their discomfort in that "encounter" and at the end of it, still feels unsettled. This is perhaps what we observed with Rita, who – though understanding her interventions – was still left with a question of what was the "right" thing to do in a situation where all choices were suboptimal.

By his own observation, Paul came to the understanding, also articulated in the literature, that the word “reflection” was “floating and imprecise” given the multiple purposes it could serve:

> It has occurred to me that there are two very different levels [that one] could approach reflection at…One is, "Why do I do what I do?" and maybe, "How do I do it better?" It's about my premises…It’s attaching what I do to what I believe, right? What I believe about people. What I believe about conflict. What I believe is useful to people…But then there's another level at which you could expose your premises (in other words, your beliefs) to question as well. Then that becomes, "*Why* do I believe what I believe?" Particularly when [your premises] are in a room with other premises that may be different. One [level of reflection] is strengthening what you already do in a certain way, and the other is exposing what you already do to question. There may be other levels, but beyond that, it has occurred to me that the term "reflection" itself as we're using it is something of a floating and imprecise term.
>
> (Mixed Group, May 20, 2017)

Though there was diversity in our micro-purposes, my colleagues and I mainly used reflective practice in accord with its overarching definition, as a “a mental process with purpose and/or outcome…applied in situations where material is ill-structured or uncertain in that it has no obvious solutions” (Moon, 2004, p. 5). By focusing on critical moments, moments of unsettledness, we identified the situations and responses that are most worthy of our attention for their power to disorient and disconnect us in practice.

Utility and Application of Reflective Practice

In our groups, we discussed the applications and necessity of reflective practice in addition to the challenges in implementation and motivation to systematically reflect.

We acknowledged that those who would be attracted to participating in a reflective practice project would be individuals who are already pre-disposed to be reflective in their work. Yet, we had experienced different norms of reflection based on the settings where we had each worked. While some project participants felt that it was unusual to find mediators who were willing to "engage with themselves," others felt that opportunities for reflection in the field of mediation surpassed those of other professions. For instance, Craig, who is a lawyer, said,

> Compared to almost anything else, I think there's way more opportunity to think about self-engagement in mediation than there is, certainly, in law. I don't know about psychiatry, or psychology, or medicine, or ditch digging, but I think what we're trained to do is certainly to understand what's cooking in the parties' heads and I think that's accessible to mediators, whether or not they choose to take it up. I think it's accessible to mediators more than in many other fields. (Mixed Group, September 11, 2017).

Craig's experience amid the norms of attorney work was that mediation inherently encouraged thoughtful reflection. Others, however, lamented how infrequently mediators choose to reflect, even if it was true that the field advocated it, or at the least did not not discourage it. Our discussions turned to the advantages or disadvantages of somehow requiring reflective practice exercises within trainings or ongoing mediator

credentialing. Mediators like Rita and John felt strongly that self-reflection needed to be a requisite, and Rita especially saw it as an ethical duty. They describe why it seems imperative for a mediator to engage in reflection as a norm:

> Rita: To me, I think this is a field where most of the time we have no idea how the parties feel from having worked with us, and we also, mostly, have no idea how a colleague would feel seeing us work. A small number of us work in more communal places, we co-mediate, there might be observation opportunities, occasionally we get feedback from mediation participants, mostly positive. It's rare that we hear from people when things didn't go well…
>
> I think to me that's the urgency of trying to embed something like this into mediation training. To impress upon people that if they really want to take this seriously, they're going to have very little opportunity to hear from the people they work with about whether or not what they're doing is effective, so, therefore there's an enhanced obligation to do some assessment themselves.
>
> It's not perfect and it may not even be equal, because there's things that we may identify that the parties themselves would never identify, but at least there's some attempt.
>
> John: If I can work off of that, I think such an important part of being a mediator and the process of mediation is in the exchange, what's going on between the mediator and the people in the room. Without much self-awareness, mediators work in the dark. At least with more self-awareness, to be more positive, one can

recognize opportunities and think through more consciously about what to do or not do.

Since my premise is that it's fundamental in mediation that the relationship and what's going on in the room between the people, the human interaction is so much at core of the process and drives results that mediators need to be as self-aware as they can be, because that self-awareness directly impacts how they're relating to the other people in the room.

(Mixed Group, September 11, 2017)

Paul echoed some of these thoughts, and in his usual eloquence, offered this synthesis:

I'm always about choice, right? (pause) On the other hand…I think if there is a benefit, I don't see any difficulty in stating it…for mediators at all levels: new, not-so-new, geriatric (group laughter, "geriatric" was a reference to an earlier joke when Sherry used "old mediators" to mean "long time mediators").

This is a way of *seeing* what you do, getting in *touch* with what you do, making *decisions* about what you do. And why we do think that matters? Because it allows you to have better *command* of what you do, and that assists you in being *better* at what you do. (September 11, 2017)

Paul's point revealed a middle point in our groups between those who felt like reflective practice exercises were an added benefit but not essential, and those who felt strongly that it should be mandatory.

While nobody in our groups came away thinking that reflective practice was a superfluous or detrimental activity, we agreed there are challenges to its integration, whether in a single mediator's practice or in an organization. One of the challenges was in creating enough incentive for the practice, either in micro or macro form. As Robert explained it:

> I think we're all on the same page…about the value and the need for it, but time and the discipline to do it are barriers for me particularly, and some of that is just making the time and agreeing on it so it's a new discipline, but the value of it, I think is very important. (Workplace Group, September 22, 2017)

Uma agreed with Robert and offered her assessment as to what would be helpful for incorporating a reflective practice discipline into their work:

> I was thinking that we all really value it only I don't think we've integrated it into our way of working, that's the thing, but I think we would like that. Maybe I'm more likely to also make room for that if we have something, someone holding us to it or some systematic way of doing it. I think that's probably what would help. I think there is a lot of interest and value we find in it. (September 22, 2017)

This desire for external motivators and built-in reflection structures was expressed all groups. Even though there were clear benefits to reflective practice, as individuals experienced it, the difference it made in their practice was either not significant enough to warrant a change of habit, or the difference was significant but not in ways that mattered for some types of mediation or referral sources. Given that habits take time to develop,

also, the effects of reflective practice meetings once a month were perhaps not as acute as if the exercises had been a daily or weekly practice.

In the context of normalizing reflective practice, Heather spoke to the challenge of making a solid case for its use, saying that people would find it more valuable if the benefit could be "named very clearly by everyone. She noted that, for herself, the process felt good and valuable, but that she could not pinpoint the "objective value" it has for her as a mediator, or for the field " (Workplace Group, September 22, 2017). This point takes us back to the challenges in measuring the "effects" of reflective practice, given the deterministic norms of current evaluation tools. In talking about the need for more traditional evidence, Heather regretted that "we have to name [the value] like that for it to be accepted or made a norm, but I think that's the truth about it" (September 22, 2017).

Along these lines, Robert offered that the value he found in reflective practice was in fact specific to the types of mediations he and his team conduct, indicating that reflective practice is more or less compelling depending on context. As he put it:

> I find the potential for real value in it in the context in which we're mediating because we're so focused on relationships and the dynamics between people who are most likely to continue the relationships…
>
> Really thinking about how I'm impacting someone in the room who's working, struggling with conflict, and how it's really impacting them. That may feel very different than trying to settle a case for a million bucks and however they feel, [my aim is] "we're going to get this settled." I'm going to go back and forth

> and I'm still making choices and there are still critical moments and I might get more adept at being that transactional mediator. I'm just wondering if it's going to feel as *necessary* to me in that context as it feels in this context or matrimonial or family mediation. (Workplace Group, September 22, 2017)

Our groups did include mediators who worked in more transactional settings, like the civil court, but by their description these individuals were unusual among other colleagues in their settings. Rita, who both works and trains in such settings, offered the following in thinking about how to motivate new habits of reflection for law students learning mediation:

> When I was teaching in law school, mediation clinics, that reflective process was built into the educational model…case after every case. There was a set of questions that we went through to talk about what choices did students made, how did those work, what could they do differently, what felt good that they would want to replicate…For the first month those conversations felt somewhat canned and a little uncomfortable and you often had to redirect people, you often had to tell them to stop [just telling stories], even if those stories are really interesting, "that's not the conversation we're having now." Then all of a sudden, every time, the switch would flip and that just became how you finished mediating. I know that those students carried that with them after that point. (Mixed Group, September 11, 2017).

Because reflective practice requires some level of habit change, particularly for individuals from professions that emphasize received knowing, external incentives or

requirements seem necessary to catalyze its integration to one's individual practice or organization. Even mediators in our groups, who all consider themselves naturally reflective, had difficulty journaling or setting time apart for structured reflection. Reflective practice groups, like sports practices or art classes, provide a deliberate time and place in which to develop habits that could easily fall by the wayside given the discomfort and effortful thought they require.

Effects of Reflective Practice

In order to get a better understanding of how participants' experienced our reflective practice groups, I facilitated meta-reflective feedback sessions at the end of my data collection phase. Later, I also sent out questions via anonymous survey to allow participants to respond sincerely without concern for peer scrutiny (See Appendix K). One of the questions I asked was about the ways that participation in an RPG affected their practice. I organize these responses below, and share comments in their own words.

1) Becoming less judgmental about others' and one's own choices

- I think I am much more open minded now about ways in which people mediate. I think I'm much less judgmental about directive approaches so long as the mediator is clear why he/she does what they do. I likely have thought differently about some of my personal interactions, considering RP approaches. The systematization of this examining practice has been helpful. (February 14, 2018)
- It affected how I would think about problems in my mediations - I tended to become less judgmental of myself and more explorative of what I did / didn't do and of why I made certain choices. (February 15, 2018)

2) More aware of the relevance of reflection to practice

- It probably made me more aware of self-reflection. So I mention it more to other mediators. For example, just days ago, I was asked to do a talk about how mediators know if they're successful and how they learn how to get better. I brought up self-reflection, which was a new concept to the experienced mediator who asked me to think about doing a talk. (February 14, 2018)

3) Creating more consciousness about choices, impact, motivations and assumptions

- It raised awareness of the many often unconscious choices I am making when I mediate or prepare to mediate and helped me think about them and their impact more consciously. It helped give me pause before I acted or reacted in a default mode. (February 15, 2018)
- I am more aware of what I am doing, and how/why I am proceeding the way I am (February 16, 2018)
- I think I am now more open in mediations to describe why I am asking the questions I am - being more transparent with my intentions. I am also more aware of how people's behaviors in mediation are impacting me. (February 27, 2018)
- In retrospect I realize [my debriefer] helped me see some of my assumptions about the parties I discussed. I recognized that despite my tendency to be as supportive and neutral as possible, inevitably I was moved by the parties and recognized only after the debrief that some of the language I used in the mediation was coming more from my tendency to be supportive rather than my intention to be neutral. (March 5, 2018)

- The debrief experience has felt, for me, more personal than about case type or the parties or relationships, but trying to really understand the choices I make and why and where that's coming from. The debrief has not been about theory or about what I've been taught, but about those areas that are grey (Workplace Group, September 22, 2017)

4) Reframing the "shoulds" of mediation

- I think it was helpful to be explicit that breaking the rules happens and can be a conscious choice that is beneficial. So I appreciated that re-framing. (February 23, 2018)

Though most mediators felt discernable effects from participating in the reflective practice group, not all did. In the case of at least one participant, the effect was negligible. He put it this way:

> Personally speaking, I think that by nature I've always engaged in a relatively deep level of self-reflection, similar to what we did as a group. So, I probably would have to say that, for myself, being in our group didn't significantly affect how I function in practice. (February 16, 2018).

For other participants, the practice could have elicited more turmoil than confidence, as in one participant who declared it had made him "more self-conscious," reminding me of and another who spoke very honestly about the challenge of self-scrutiny:

> What [reflective practice has] done is tapped into some personal stuff. In that exploration, it hits to how I'm wired and the reasons for why I'm wired the way I

> am, which has given light to some things. As far as trying to understand why I'm making certain choices sometimes, why I'm not at certain times, where that's coming from, I don't think that's always pleasant for me because it taps into some deeper -- I don't know if they are issues -- but some deeper things about me that make me who I am. That doesn't disappear when I'm in this [mediation]room. (Workplace Group, September 22, 2017)

Reflective practice requires stepping out of the comfort zone, to examine not only one's tendencies in the mediation room, but the pieces of one life, often of a personal nature, that impact our reactions in the room. Confronting oneself in this way, especially before peers, can be daunting and uninviting, especially if no aspect of the profession demands it. The discomfort and discipline this practice demands of busy practitioners leads us to ask, "Is it worth it? Do the benefits of reflective practice outweigh the challenges of doing it?" The next section will provide a foundation with which to answer this question, though much more research and experimenting with processes are needed.

Longitudinal tracking would be helpful toward gauging impacts of reflective practice groups on individuals' practice. The Mediation Center and Workplace Groups, should they choose to proactively incorporate reflective practice norms into their organizations, will support our understanding of collective learning via reflective practice groups in the long run.

Action Research with Mediators

Since more examples of action research processes are needed, I want to include some reflections at the conclusion of this work that I hope will be of help to future action

research scholars working with mediators or other conflict resolution practitioners. I have already covered process challenges in relation to conducting an action research dissertation in the context of academic program constraints. Here, I will speak more to the use of action research in the study itself.

My learning about action research developed in conjunction with the evolution of this project. Like many action research projects, this one is variably successful in upholding the criteria and goals of action research. As discussed in Chapter 1, action research, like reflective practice, is a field still under construction, with many interpretations and manifestations. In their thorough introductory book to action research, Greenwood and Levin acknowledge that the standards set out by action research may seem "transcendentally high" but remind readers that

> AR is not an ideal process, happening like neoclassical economics in an environment of perfect information, *ceteris paribus* [conditions remaining the same], and other absurd nonexistent conditions. It is a real process, happening in real-tim contexts with real people, and it has all the contingencies, defects and exhilarations of any human process. (Greenwood & Levin, 2007, p. 113)

The authors are adamant that no social research project is "not filled with compromises" and that therefore action researchers should not be apologetic if their projects don't live up to the ideal, given the processes are "long-term, complex,…built by patient steps in a process of cogenerative knowledge construction and developing mutual awareness" (p. 113).

To facilitate discussion about how this project fared in aiming for action research ideals (while making no apologies for not reaching them), I return to project goals listed in Chapter 1 and tied to the questions of validity criteria in Chapter 5. Over time, these criteria must be gauged by group members, too.

1) Generating new knowledge about the application of reflective practice as it pertains to mediator learning processes (outcome and catalytic validity)
2) The creation of ongoing reflective practice groups and organizational efforts to support conditions of reflective practice (outcome and catalytic validity)
3) Participants of reflective practice groups and myself will be in co-inquiry by testing one reflective practice approach, the Reflective Debrief, and discussing its impacts (democratic validity)
4) Debriefs and group conversations will be relevant to each of individual's needs and to our common local context, our city's mediation community (democratic and dialogic validity).
5) Reflective practice is inherently a means of conducting research and will be both the methodology and the subject of study in this project (process validity)

At first glance, this project was successful in fulfilling these goals and complying with action research criteria. This dissertation, I hope, is evidence of the new knowledge generated through our reflective practice groups about reflective practice and mediator learning. Groups are ongoing and conversations are in motion about organizational integration into the Workplace and Mediation Center groups. We worked in co-inquiry using the Reflective Debrief, and colleagues brought forward real cases, making our

conversations inherently relevant to local context. It is possible that we will co-present at conferences in the future, or co-write pieces about our discoveries with utilizing reflective practice, for the benefit and scrutiny of peers. Finally, I used reflective practice as a means of data collection, while it was also the subject of study, making it a relevant research method. It supported self-reliance in learning about one's own practice, insofar as participants assessed their interventions for themselves, without external pressure or judgment.

Though I can check off all of these goals, "the devil is in the details," as the saying goes, and the challenges I encountered in upholding action research commitments related to two aspects I mentioned throughout this manuscript: fostering ownership in the groups, and navigating my multiple positionalities throughout. If I had the chance to do this project over again, I would have prioritized time for mutual decision making at the outset, even if doing so slightly cut into our debriefing time. I believe incorporating a foundational democratizing exercise would have nurtured a higher investment in our work together, and enriched discussions.

I would have also encouraged us to build in check-ins at the start of our groups, in restorative circle format, where I too could have had the opportunity to bring myself forward as a participant, not just a facilitator, and could have honestly and vulnerably shared my own challenges with managing positionality or any other daunting aspect of the project. Inviting my colleagues to support me more personally, I think, would have changed our dynamic from one of "teacher-student" or "leader-follower" to "co-guinea pigs" in a more authentic sense.

Action research is an approach to research that falls in line with mediator values. Mediators undertaking action research have a natural advantage over other types of practitioners taking it on, because cycles of learning naturally mirror the collaborative building and problem-solving that mediators regularly undertake through their cases. Action research emphasizes democratization of knowledge, just as mediators (in their ideal) aim to work with parties to collectively decide best outcomes, rather than prioritizing any one person's perspective, desire or perspective. As such, the facilitation and collaboration skills that contribute to the successes of an action research project are already well practice among mediators and other conflict specialists.

By organizing learnings I illustrated in Chapters 8 – 10, I will now turn to my own analysis and conclusions surrounding how reflective practice groups supported mediator learning. I weave in literatures elaborated in Chapters 2, 3 and 4 about reflective practice, adult learning and epistemologies in order to clarify my understanding of our group work.

Chapter 12 – Reflective Practice Groups for Mediator Learning: Conclusions

This dissertation is largely an act of reflective practice in itself. By reviewing transcripts and audio recordings, I had the opportunity to double debrief my debriefings and those of my colleagues in order to decipher ways and moments where variations (often in the form of critical moments) led to learning, or understanding something new. Recalling Dewey's expansive view of education, the overarching premise of these learnings is that "all communication (and hence all social life) is educative" (Dewey, 1916, p. 5). It would be impossible to participate in a group of practitioners and come away without new perspectives or understandings of practice. However, communicating in ways designed to raise awareness of our learning processes differentiates the quality of conversations in our RPGs from communities of practice that revolve around storytelling or advice-giving. Our process has emphasized self-exploration, rather than external analysis, as well as a structured search for the evidence behind our claims.

These then, are the conclusions I can draw so far, based on half a year of collective learning, listening and observing, and years of educating myself on the meaning, forms and purpose of reflective practice. The next stage of this project will entail a return to the reflective practice groups to introduce these provisional conclusions,

see how they resonate with the groups, and allow them to evolve to the next level of collective learning.

In this chapter, I will summarize the primary takeaways described in the last three chapters and organize them under two main categories:

1) Ways that reflective practice groups (RPGs) supported mediator learning
2) Ways that RPGs hindered mediator learning

For each of the ways listed in these categories, I will include corresponding strategies used or mentioned in the groups that support learning and epistemic cognition (learning how we learn).

Finally, I will close this writing by elaborating on needed future research about reflective practice in mediation and in other forms of conflict resolution practice.

Refresher on Foundational Frames for Understanding our Learning

My experience of these reflective practice groups is couched in three main learning frames: 1) social constructionism and constructivism, 2) personal epistemologies, and 3) pragmatism.

Recalling Chapter 4, social constructionism is concerned with the collective process of creating social constructs (the group), and social constructivism is concerned with the psychological meaning making process (the individual) as mediated through interactions with our environments, peers and cultures. I adhere to Giddens' theory of structuration, affirming that individuals are subject to social forces, but also exert agency to affect social change within those forces (Giddens, 1984). We cannot analyze individuals' actions without attention to the effects of social forces around them, and vice

versa; the two are an ever mutually dependent system. In our groups, members exercised variable levels of agency in their practice (i.e., purposeful practice), and reflective practice exercises aimed to increase the sense of agency over pre-existing social forces, be it training, structural pressures or cultural norms. Multiple levels of interaction were at play simultaneously: external with internal self, (external) self with other group members, self with group norms, self with workplace norms, self with norms of the mediation "field," and self with societal norms. Mediator responses to critical moments involved navigating some or all of these interactions, whether consciously or not.

Personal epistemologies are individuals' ways of knowing. Recalling Chapter 3, theories about the development of ways of knowing have traditionally been depicted as stage progressions from binary to complex formulation of information (King & Kitchener, 1994; Perry, 1970). However, more recent understandings rightly see personal epistemologies as less fixed in time and more dependent on context or domain. We saw context affecting mediators' ways of knowing in these groups through: workplace settings, debriefing mediums (phone versus in person, one-on-one versus group), and in relation to others' ways of knowing (e.g., a mediator speaking in the language of connected knowing speaking with a mediator exercising separate knowing). As I mentioned in Chapter 3, the salient characteristics of connected knowing, as described by Belenky and colleagues, is in keeping with espoused theories of the mainstream forms of mediation (commonly "facilitative" mediation). Our ways of knowing necessarily affected one another through the social construction of meaning as we debriefed cases.

Finally, a pragmatist approach to practice and research emphasizes knowledge gained as provisional and instrumental. For pragmatists, "theories are true instrumentally" (James, 1995, p. 23). They are judged according to their capacity to bridge us to new and better (more complete, stable, relevant, etc.) understandings. Suffice to say, the learnings in our groups were particular to each mediator's purpose. For mediators, a pragmatic orientation to learning is natural, given our abiding interest in being useful to our clients and referral sources. Given that our conversations during RPGs were anchored in real life problems and scenarios, there was little danger of getting caught up in abstractions. This "workability," or testing through practice, is what lends credibility to an idea, from both a pragmatist and an action research approach (Greenwood & Levin, 2007).

Next, I will summarize the specific ways that RPGs supported mediator learning in our groups, via the frames described above.

Ways RPGs Supported Mediator Learning in our Groups

Creating a Community of Practice

As mediators, we are well familiar with communities of practice. In our city, at least, there are regular opportunities to come together for talks, workshops, practice groups, continuing education courses, and conferences. Because mediation is not a mainstream practice, my impression from these gatherings is that we mediators sense our minority status in the professional world, and relish these opportunities to connect. Our reflective practice groups were no exception in that mediators were glad for the opportunity to come together in person on a regular basis, but they were also different

from most communities of practice with which we were familiar: they were ongoing, they repeatedly focused on the same process, they were mostly democratically led, and they were part of a purposeful research agenda. So though some benefits mirrored those of other mediator communities, other benefits were enhanced or unique to this particular form of practice community. Our groups served to build trust and relationships, break isolation and insulation, and support collective learning and epistemic cognition through dialogue.

Building trust. Psychologist Carl Rogers emphasized that adults need to be in learning environments that minimize threat as much as possible while facilitating differentiated perceptions of reality (Rogers, 1951). Personal experience for most of us substantiates this assertion: we learn best when we feel safe. As such, it was important for me to support learning arenas that engendered trust among us in order to maximize our learning potential. By drawing on my past facilitation experience and seeking counsel with other practitioners, I supported our groups in maintaining solid levels of trust. Group participants also contributed to creating a trusting learning arena for everyone through their mutual encouragement and non-judgment.

Michael Lang had told me early on in our conversations that consistency of participation was crucial for professionals to feel trusting enough to share their struggles in practice. So after our first session, I asked for a regular commitment from those present and closed the groups to new members, even if we had room to add more people. In retrospect, this could have been a group decision opportunity, but Michael's insistence

that I "call the shots" at the outset probably influenced me unduly, since I had never run a reflective practice group before.

One of my dissertation advisors, a professor of Education, also reminded me of the centrality of food for building community and comfort. Breaking bread together is a powerful indicator of unity and safety, as Robert and James discovered when their formerly strained clients began to eat strawberries from the same dish during a difficult mediation. Despite having no independent budget for snacks and beverages, I prioritized bringing food to every session, however limited. Sometimes other group members brought snacks too, of their own accord, and in our Mixed Group conference room, coffee and soft drinks were included as a matter of professional etiquette in a successful law firm.

In my facilitation, I regularly reminded individuals that there were no "right" or "wrong" answers in debrief and that a sense of discomfort or doubt in practice was a good place to start the learning process. In this way, I tried to normalize imperfection and alleviate performance anxiety. I fell short in building trust, however, by not being an active mediator myself. I believe if I had been a debriefee at any point with my own doubts and questions about choices in practice, colleagues would have related to me less as a leader or authority in the project, and more as another mediator trying to learn about her practice. This balancing of positions may have spurred more initiative for "self-learning" from the groups (See Chapter 3).

One of the main indicators of trust in our groups was the presence of laughter. Members of the Workplace Group already had a high degree of trust by virtue of being

coworkers. Their rapport and humor was strong from the start. The Mediation Center Group only met twice, so they had limited opportunity to build trust and relationships. More time with them would be needed to see how group dynamics and relationships evolve. That said, humor was present in our conversations, usually through Ted, who seemed the most experienced and confident of the practitioners in that group.

The Mixed Group took longer than the Workplace Group to warm up, but by the end of our sessions together, I interpreted that most participants felt at ease given the frequency of group laughter. Not everyone was an equally vocal participant in this group, and I noted that Paul and Craig seemed the most frequent contributors. If I had to hazard a guess, I would say Paul felt confidence in his experience despite his introversion, and Craig felt confidence through his extroversion, despite his more limited experience. They were often in conversation with one another, and though very different in their personalities and styles, enjoyed much humor in their exchanges. Sherry and Mark seemed to speak least in the Mixed Group, though they were very present through non-verbal communication. Being younger and newer to mediation than others in the group, I would guess they deferred, as I sometimes did, to age and experience in the room. Over time, however, relative to everyone's individual starting point, I think all group members participated more actively and freely, including moments of humor.

Environments that foster safety, by extension, also foster the freedom to take risks and be creative in seeking solutions. I believe our RPGs accomplished this to a successful degree, judging by the humor and vulnerability expressed in each. This was a testament to the mutual support colleagues showed one another and their willingness to share

struggles, rather than hide behind a façade of conviction. I imagine the level of comfort only growing if groups continue to meet and normalize conversations about critical moments. As Maslow put it, "we grow forward when the delights of growth and the anxieties of safety are greater than the anxieties of growth and the delights of safety" (Quoted in Knowles, 1990, p. 9).

Breaking isolation and insulation. As mentioned before, one of the challenges to building skill and knowledge as a mediator is that there is limited ongoing support and supervision built into the certification process. Once fulfilling basic certification requirements, mediators are set loose to learn through "the school of hard knocks" in real life cases. Without clear ongoing requirements, the level and frequency of self-assessment in one's practice is left to the practitioner's own will and interest. As such, it is easy for mediators to remain isolated in their practice, and for their practice to become insular, or not exposed to other perspectives and methods.

Some group participants already knew each other prior to the groups, but many were new to one another. New relationships formed through coffee breaks, subway rides and one-on-one meetings between sessions. Given more time, these relationships would deepen through repeated and regular meetings with colleagues who are equally committed to practicing curiosity and accountability in exploring their practice. This commitment was very evident with the Workplace Group, not only because they were co-workers, but also because they genuinely enjoyed exploring hard questions together. There was a quality of honesty in their conversations bolstered through Robert's non-judgmental leadership, and fostered by the conscious practice of each group member.

Uma and James, in particular, shared very honestly about the ties between their personal struggles and their struggles in mediation or conflict coaching practice. The Mixed Group and the Mediation Center Group could not have this level of commitment and openness with each other over the course of our work together, because of the relative infrequency of their contact, but theoretically, with time, their connection to one another could deepen in similar ways.

A reflective practice group also incorporates practices in self-awareness and self-assessment that can be used outside of the group, too, toward ongoing learning. In this way, it addresses the danger of insulation, when we stay in our own bubble of practice without exposure to new ways of doing and seeing. To varying degrees, members of our groups drew from resources or exchanges in sessions in order to support their practice outside the group. Some used the journals and prompts provided, others called on each other for case support, and others adjusted their manner of debriefing to be more in sync with what they were doing in the group.

Collective learning through critical moments. A central purpose of a reflective practice group is to facilitate learning through interactions with our peers. Learning, as described in Chapter 3, is a process, or a "network of ideas and feelings" (Moon, 2004a, p. 17) where old and new information combine to make new meaning (Dewey, 1938). Learning is a social process, in that it occurs through interactions with our environment and with other people. It is modulated through what Mezirow (1990) calls our *meaning perspectives*, or other psychologists refer to as *schemas*. Meaning perspectives, as defined by Mezirow, "refer to the structure of assumptions within which

new experience is assimilated and transformed by one's past experience during the process of interpretation" (Mezirow, 1990, p. 2). These are cognitive constructs that live in each of us, usually "uncritically acquired in childhood through the process of socialization," and often through emotionally charged situations (p. 3). Our schemas or meaning perspectives are difficult to shake, and as Mezirow states,

> When experience is too strange or threatening to the way we think or learn, we tend to block it out or resort to psychological defense mechanisms to provide a more compatible interpretation. (Mezirow, 1990, p. 4)

These defense mechanisms are attractive, because they relieve us from the anxiety caused by situations do not fit neatly into our pre-established schemas (Hoshmand, 1994, p. 134; Mezirow, 1990, p. 4). Conscious reflection, however, intervenes in these habits by requiring us to pause and question. Doing so with the support of others, who are operating by their own schemas, means that we get the opportunity to shake out of our established schemas more quickly and easily. We can no longer take for granted what we think we know. Through the use of critical moments in our reflective practice groups, we focused on *variations* (Moon, 2004) between schemas and experiences that created discomfort for practitioners.

In our reflective practice groups, the Reflective Debrief (RD) supported collective learning in a way that other types of communities of practice do not. Rather than focus on storytelling or advice giving, an RD process calls on the debriefer to support the debriefee by asking curious questions in much the same way they would as a mediator with his or her clients. Rather than starting from the point of a "lesson learned" in the

past, the RD starts from a place of uncertainty and discomfort via a critical moment. Questions by one or more colleagues supported the debriefee in drawing connections between parties' behaviors, interpretations of those behaviors, the ways in which those behaviors clashed with one's theories of conflict, or with one's espoused theories of practice, and -- with sufficient time -- to explore the sources and validity of our interpretations.

The fact of needing discomfort in order to arrive at meaningful learning may seem to contradict earlier assertions about the need for safety in learning, but the two are not mutually exclusive. I would say that the trust in our groups was necessary to be able to *willingly* undergo what Paul called an uncomfortable "encounter" with ourselves, for which there is no certain outcome. Collective learning was spurred not only through one's own encounters, but by witnessing colleagues undergo these encounters, too.

Epistemological cross-pollination. Throughout the critical moment examples, I noted how the language used by each colleague said something about their personal epistemology, or way of knowing, during particular moments in the debriefs. Through the transcriptions, I also pointed out the moments when colleagues changed their phrasing, indicating possible shifts to a new way of knowing. For instance, we saw in Allen's debrief phrases typical of separate and received knowing, like:

- "The complainant was very nasty to the respondent and it got to a point where it was bothering me because I thought she was just being disrespectful."
- "…wanting to throw my hands down and say, "Cut this shit! Why are you *here*?"
- "I'm *sure* there was more that we could've gotten out of her."

Allen's words betrayed his feelings of judgment. In his mind, there were clearly right and wrong ways to be in conflict or in mediation. Received knowing is characterized by "black and white" language, and a lack of curiosity for alternate possibilities or for problematizing the easy answers. Whether or not it was identified, Allen was subject to knowledge from an authority, perhaps his parental upbringing or his law training. To a lesser degree, Allen's judgment of the complainant's behavior also demonstrated a separate knowing, his desire to analyze her as someone foreign and separate, while dismissing a need to look critically at his own ways of behaving and thinking and how these may have affected what he was seeing.

Allen's language shifted somewhat, however, when he received questions from his colleagues that required him to turn his gaze inward. Uma asked him about his feelings with respect to the client's behavior, and she modeled the language of compassion (whether purposely or not) by speaking about her own insecurities when she found herself in the professional workforce for the first time. She also asked him if he thought he had been able to do everything he was there to do in the mediation, and this question spurred Allen to think more generously of the parties, to consider their history and the possibility that the complainant was reacting to racial prejudice. He eventually reached a point of being unsure about his intervention and judgments, and started to consider – with our help – the source of his judgments. By hearing his co-workers share their own experiences with angry clients, he also came to understand the normalcy of what he experienced in the context of mediation work.

Other cases I highlighted also demonstrated these types of shifts to various degrees. Rita's case caused her to question the validity of her connected knowing when it clashed with a conference attendee's received knowing ("*That's* the procedure"). Colleagues helped her to understand the source of her unsettledness, allowing her to sit more confidently in her connected knowing orientation, while accepting that it created significant challenges at times in a setting that propagated separate and received knowing.

I experienced an expansion in my own linear thinking when Ted and I engaged in conversation about non-rational approaches to reflection and knowing. As noted in the literature, the irony of reflective practice and research around it is that it still depends somewhat on techno-rational or materialist means of knowing (See Chapter 2, "Critiques of Reflective Practice). Likely because of my own default into separate knowing, as dictated by the academy, I favored cause-and-effect questions in my reflective practice, while ignoring or avoiding ways of reflecting that did not fit nicely into a logical sequence box. Even in my conversations about intuition with the Workplace Group, for example, I wanted to pinpoint phenomenological explanations for what we normally term our "gut feelings," as if to say "intuition" is not valid enough. While I believe there is some value to being able to articulate as much as possible *how* we know what we know, my insistence on logically sequenced words may have inadvertently minimized other members' experiences, like Uma's or Ted's, practitioners who relied heavily but successfully on intuitive, non-explicit and non-verbal knowing.

Heather and Nathan's race-involved cases brought out ways in which they both exercised separate knowing, even if from different perspectives. They both exercised

judgments about their clients' experiences, rather than relying on standard mediator practices of asking questions and attempting to tease out the other person's perspective for greater clarity. Nathan's separate knowing manifested in judgment toward the respondent in his case, and Heather's toward the complainant. Both felt the tension of their separate knowing challenged by the connected questions of their colleagues that prevented them from settling for simple or removed explanations. I offer a sampling of questions in these debriefs that opened spaces for connected knowing by bringing the debriefee to greater connection with themselves or to wonder more openly about their parties:

- What was happening inside of you when that came up?
- What do you think you were fearing might happen if you followed that or brought attention to it?
- If the word was a religious epithet and you identified with religion, how does it change things? Why is this word different?
- Can you talk about what associations [the client's language] triggered in your mind?

Functional and optimal levels of reflection. As I considered how reflective dialogues between group members with different epistemological orientations might aid collective learning, I turned again to literature on epistemic development. I found support for my thinking by returning to the work of King and Kitchener.

After a decade of having released their research on the Reflective Judgment Model, King and Kitchener (2004) revisited it, partly in response to critiques about their "stages" configuration of epistemic development. They clarified that even though the

model set out stages, they did not presume that individuals moved through only one stage at a time at any given time. They observed that it is common for individuals who are in the middle to higher ranges of epistemic development to make statements that coincide with lower or higher stages. However, those who are at lower stages of development (binary thinking, received knowing) are less likely to express themselves in more complex ways regardless of the problem or topic. In other words, the progression is not linear nor consistent (King & Kitchener, 2004).

King and Kitchener draw from educationist Kurt Fischer's work on *skill theory,* stages of skill development that closely mirror the Reflective Judgment Model. The main takeaway for King and Kitchener from Fischer's theory is that "the skill levels a person demonstrates will vary depending on the conditions under which they are assessed" (King & Kitchener, 2004, p. 11). Further, Fischer presented evidence in supporting his theory that individuals' capacities can change depending on whether or not they have support (whether from another person or otherwise within their context). He termed performance without support as one's *functional level* of capacity. However, having support can elicit one's *optimal level* of performance, which is closer to the upper limits of their skill development (e.g., abstract or reflective thinking). The space in between one's functional and optimal levels is one's *developmental range.*

Relevant to our reflective practice group experiences, King and Kitchener emphasize:

> If courses and other opportunities for student learning do not provide contextual support for developing the skills associated with forming abstract concepts like

> reflective thinking…, students will be more likely to perform at functional rather than optimal levels. (King & Kitchener, 2004, p. 11)

I consider this point the most important justification for the existence and propagation of RPGs in conflict resolution practice. Given the isolation and insulation that practitioners experience in their practice and the lack of ongoing supervision requirements to maintain professional status, access to reflection support systems seems imperative.

Clarifying Language

As demonstrated many times through debriefs over the course of our time together, supporting mediators in establishing precision in terminology was one of the ways that we honed in on our learning in practice. By questioning the meaning of terms we that are easily taken for granted, group members made links between felt experience and their interpretations. Words like "relevant," "counterproductive," or "constructive" were subjective for each mediator and therefore important to specify.

Perhaps even more important was the need to specify the meaning behind judgment words, like Allen's use of "nasty" to describe his client's behavior, Ted's use of "divisive," or Robert's reference to Uma's "needy" client. Such words betray our own formulation of the client's intention or status. In my debriefs, I encouraged us to interrogate the use of these words, to get underneath labels to consider a more holistic picture of the client's experience. By doing this, colleagues also had the opportunity to look at their own experiences to better understand how these affect their way of seeing "difficult" clients. Heather's case was a good example of this. She knew she felt

uncomfortable with her client's behavior, but was not fully clear why, other than that "it had to do with race." Through the debrief, she was able to pinpoint that her frozen state in response to the racial slur was connected to her unfamiliarity with "being black" and her care to not "step on" a black person's experience. She also feared being labeled as a racist by accidentally saying something offensive. The debrief, though raising tension at times, supported Heather in understanding why a racially derogatory word carried a heavier weight for her than other types of insults. More importantly, it helped her to see why in such cases it mattered even *more* that she engage her client with curious questions, something she would not be able to do well from a place of fear or judgment (whether of herself or of her client).

From our debriefs, here is a sampling of questions that aimed to get at precision in language:

- What experientially happened for you when you say "stuck"?
- What does "shortcut" mean?
- What visually or tonally or any other indicator…tells you that something is being used as a divisive device?

This phenomenological approach to defining the meaning behind words we took for granted was a frequently recurring reflection tool I used to peel away the layers, in a way similar to a child asking his parent repeated "Why?" questions:

Child: "Why is the sky blue?"

Parent: "Because it is."

Child: "But *why* is it?"

Parent: "Because it was made that way."

Child: "But why was it made that way?"

And so on…(As a side note, I don't actually know why the sky is blue myself, so that is a convenient place to stop!)

As I had said to one group member, as a facilitator "I pretend that I'm an alien." Teaching the meaning of a word, or the meaning of anything, to someone who has never heard it before demands that we understand it fully first.

Exposure to a Multiplicity of Perspectives

Our RPGs worked to diversify our notions of "normal" by exposing us to a multiplicity of perspectives. In the Mixed Group, this was especially the case, because it had the greatest diversity of participants. Mediating in different settings brings up different types of conflicts, client concerns and parameters of practice. For instance, as one who has mainly mediated in criminal or community settings, it was beneficial to have exposure to mediators who work in the civil courts. Understanding the constraints faced by a court based mediator helped me to suspend judgment about the evaluative, transaction approach that many court mediators use. Listening to their critical moments, I admired their efforts to remain true to mediation principles in settings that often contradict those principles.

Through diversity of group members, participants also had the chance to hear other perspectives about their clients. Take, for instance, the ways that Uma and James offered their direct experience with the type of suffering their clients undergo. In doing so, they opened new considerations for the rest of us about what lies behind "difficult"

behaviors. Very often, the experiences of our clients feel far removed from our own realities, especially given the demographic disparities of most mediators in comparison to those they serve. Fellow mediators who intimately know their clients' settings and experiences can act as bridges for those of us who lack direct experience with the stories we hear. In this way, clients became less our distant "subject" and more a familiar person within our daily spheres. Eliminating the sense of "otherness" of our clients by having colleagues who in some way are "the other" themselves makes it much harder to remain in a place of judgment.

The diversity in our groups also modeled for each of us different ways of expressing ourselves, and different ways of knowing. I distinctly remember Ted's language, for example, of "seeing through" when he tried to convey the condition with which he enters a conflict conversation. Uma's clarification that she did not see her client's behavior as "inappropriate," because she had understood it and lived it, immediately alerted me to my own possible judgment and "othering" about client's with high emotional needs. In my interview with Mark, he shared his interest in exploring reflective practice in terms of mindfulness, and offered some initial thoughts about how to "reflect" that bypassed intellectualizing, in much the same way Ted approached it.

Without question, this segment of our reflective practice work showed me the importance of diversity (of all kinds) in RPG composition as an antidote to "group think." Diversity was also a means of ensuring that we widened our horizons beyond our old habits of mind and awakened to detecting variations in our experiences.

Aligning Actions and Values

In Chapter 2, I highlighted Donald Schön's reflective practice because it is foundational to the study of reflective practice with practitioners. We recall that much of his work with Argyris aims to support practitioners in connecting purpose with practice. Are our espoused theories (often in the form of values) in line with our theories-in-use? If not, why not? What do we learn from the misalignment? White, Fook and Gardner's definitions of reflective practice in Chapter 2 explained the diversity of purpose in reflective practice. Not only can it serve to align our actions with our values, but it can also bring into question the validity of those values in the first place (White et al., 2006). Paul, in the Mixed Group, came to understand this reality keenly, as I illustrated in the last chapter.

In our groups, we noted this variability of purpose as well. It sometimes happened that a debrief helped a colleague become more grounded in her values, like when Rita articulated with clarity why she could never be at ease with "teaching" her client or with blindly following procedure for procedure's sake. At other times, debriefs brought values into question, like Allen's theory of how people "should" act in a conflict conversation, or how a subordinate "should" behave with a supervisor. Through hearing more seasoned experiences from Robert, Uma and James, his values were challenged.

The following group conversation with Craig during one of our RPG sessions precisely addressed the challenge of clarifying our values in the face of the "unending series of dilemmas" (quoting Paul) in conflict. Through reflective questions and

comments, we attempted to support Craig in clarifying for himself what determined his own "non-negotiable" values:

> Craig: I'm interested in the interplay between having guiding principles and being flexible…Is there ever something that you can't be flexible about? That you can't reflect on and say, "Gee, I wish we didn't have self-determination," just to pick the most, I guess the most obvious principle of mediation.
>
> Paul – (paraphrasing) Are there no-go's?
>
> Me – (paraphrasing) Is there anything in mediation that's non-negotiable?
>
> Craig - Well, there are mediators who, even if they're not directive about outcome, they're very directive about process. "That's why you hired me, that's why I'm here. This is a process that I know how to do, come with me on my process." And other mediators would say, "The process is subject to self-determination, like the outcome." So you can imagine different mediators having different "no-go" places. What am *I* willing to do about this?
>
> I'll tell you how I came up with this…The question [came up with colleagues] on what happens when parties ask the mediators to decide, what do you do?...*Could* you have an iron clad rule that says, "I will never tell the parties what to do? They should come to it." Or can you be flexible?
>
> Me - So, what is *your* response to that question?
>
> Craig - My response, I think, is to be aware of my guiding principles and to still, I *think*, to still be flexible. So to take [an example:] If…two spouses were 400 dollars apart on monthly [support] payments [after having negotiated from a

considerably wider gap] and both of them said [to me], "C'mmon, we're so close, please help us out, just tell us what we should do." I could imagine myself saying, "Split the difference."…They're really asking to destroy self-determination. I guess at that point, I'd be going along with it.

Me - And what would be the purpose, what would that..?

Craig - Because they each have determined that at that moment.

Me - So what guiding principle [is in effect]? What would guide *you* in making that decision?

Craig – Well…how much harm can I do?...I think I'd want to know that the potential damage could be diminished. I can't be that wrong, they seem genuinely to want the help. It may be that it would factor in whether I thought, having worked with these people, that they're willing to work with *me* but not willing to say yes to another person's help. What is that [term]?..devaluation: "Because it's your proposal, I don't like it"? (turns toward John who is also an attorney)

John – (reminds Craig of the term) Reactive devaluation

Craig - Reactive devaluation! Thank you. So, if I thought that they both want to be $200 closer but neither is willing to agree with the other one about that, if *my* stepping in makes it possible for them to agree with me, but neither wants to agree with the other, then *that* might be a consideration. I think probably the first one is the magnitude question. If they were $10,000 apart on a question of monthly payments, there's no way I'd approach that.

Me: Paul, you had a response?

Paul - Well, in reading [Lang and Terry's article on reflective debrief], there was a phrase that I had a response to, and Craig, your example sort of revived it for me. Um, I don't know if they're just being casual with language but somewhere in the article in espousing reflective practice as a methodology, I think that there's the phrase that it would help a mediator resolve a dilemma. Two things: 1) I think mediation is one unending series of dilemmas, and dilemmas are not resolvable by their very nature…To me,…a dilemma is a *thicket* in which there are several modes of exit and no matter where you go, you're going to step on something.

So, the question is "why am I going in this direction as opposed to that direction? Do I know why I'm going in this direction? Am I clear not just what I'm upholding, but what I'm actually doing damage to in emerging through the thicket?" In your example, you know, you weren't just, at least as I heard it, you weren't *destroying* self-determination. Actually self-determination *determined* that you should [decide for the parties]..and that creates a conundrum or a dilemma that there isn't an easy [answer to]. I mean, whatever the A, B, or C..*some*thing is going to get stepped on, just as something is gonna be upheld.

Craig - Yeah, that was really-- [the question]. Are there things that can never be stepped on?

Paul - Or always must be

Craig - We're clever at reframing! This started out as by my being worried about self-determination, and they're asking me to make the determination for them, *that's* not self-determination. But then at the end we come around to, "Well, they

have self-determined that they want me to choose!" You know, *I* am the mechanism they want. OK. I guess there are ways you can frame or reframe nearly anything to get more comfortable with it.

Paul - Again, I thought you framed it very nicely in between…interventions that are connected to values-- between adhering to values and responsiveness or flexibility, and the interplay between those two things.

Me – And…what is it that would determine that you have a non-negotiable in the situation that you're describing? What is it about how you see your role that would allow you to say "yes" to that option [to make a choice for the parties]? What would be the role that one would see themselves in where they *wouldn't* take that option?...

Craig - First of all, it's always unique and it's always circumstance related. Um, and it's making me wonder whether there's therefore a meta-principle that lets you break your other principles, but we only have until 1 (group laughter)…

I think this may be going out on a limb here…I've never taken a transformative mediation training. But a lot of it sounds very similar to understanding-based principles [the type of mediation Craig learned], and it occurs to me that one of the differences is an intention to solve a problem rather than to repair a relationship…I don't think anyone should be paying me money to repair the relationship. What they bring to me is a problem they want solved.

Mark - Do you mind if I answer this?

Craig – Please!

Mark - I was just thinking, how when you introduced yourself, you saw yourself as something other than a problem solver…

Craig - I don't see myself exclusively as a problem solver. I think a better way to have put it would have been "I don't give myself enough credit to be a 'helper'." You know, I think of the helping professions as educators, therapists, doctors. I don't think that's what I'm good at.

But I'm very clear with anyone I mediate with, including before they hire me: I don't see my job as getting the problem solved, I see my job as creating a set of circumstances that creates the greatest likelihood that you will be able to come to an agreement with each other. So, my problem solving is related to *process* rather than outcome. Some of that touches on the connection to therapy that you're talking about, because you have these moments of humanity. You have these conversations with people, they make a statement and your response may be the word "Why?" and all of a sudden, the shoulders drop, the heavens open, there is no good reason why…Um, sometimes it's more complicated than "Why?" But *that*'s the point. Maybe *that* would be a principle that I would never abandon: the principle of encouraging party openness or something.

(Mixed Group, March 19, 2017)

Conversations with Craig are useful for understanding context-based epistemologies. He seems to waver often between the norms of his profession, law, in which protocol and tangible outcomes are priorities, and the "moments of humanity" that do not conform to his profession's norms. In this exchange, he is wrestling with the

tension between his role as a connector, a person who builds trust and relationship, and the needs ostensibly established by the setting in which he and the parties find themselves. He can speak the language of connected knowing in one moment, and the language of received knowing ("that's what they pay me for") in another.

Craig and Paul's exchange illuminated the challenge of applying universal "non-negotiables" to dilemmas in conflict. Because a conflict conversation is composed of factors that are perpetually affecting one another, Paul's belief is that "*some*thing is going to get stepped on" in the process of upholding something else. For Craig, clarifying role and values is not straightforward given the differing governing variables to which he is subject.

Reflective practice exercises support in specifying the tensions between conflicting goals ("Do I uphold self-determination even if it conflicts with my commitment to not make choices or suggestions?). Given the frequency of "thickets" mediators confront, exceptions to the "rule" (mythical ideals) are actually the norm. Therefore, being conscious of our goals, negotiable or not, can keep us more accountable in practice, able to retrace our steps and explain why we did what we did.

Understanding our Choices in Critical Moments

Related to aligning actions and values, one of the primary ways reflective practice supports learning is through helping us understand the reasons behind our choices. How deep we go in exploring those reasons depends on the level of reflection we are practicing, whether single loop, on the level of techniques and strategies; or double loop or critical, getting into the assumptions and beliefs that inform our choices. Going yet further, we

can practice reflexive levels of reflection in which we examine the origins of our assumptions and beliefs and question their validity in the face of our current dilemma.

The choices in practice that arose from critical moments were the ones more likely to be problematic from the point of view of training's espoused theories. These included: going "off script," following intuition, innovating a new intervention, and borrowing techniques from other modalities. Whether because trainings were inadequate in preparing mediators for the types of critical moments they encountered, or whether individuals felt confident in "overriding" that training if they had more confidence in another source of knowing, like lived experience, these moments exemplified mechanisms of mediator decision-making while in the thickets of conflict.

There were a few types of questions that supported mediators in considering the factors that led to their choices in practice: phenomenological questions, consciousness raising questions, purpose-to-action questions, and what-if questions. Mark's case provides a solid source of examples for each of these debriefer interventions, given that his main dilemma was in trying to understand *why* he made the choice he did in his mediation. I will draw on his debrief to provide examples of the different question types.

Phenomenological questions. As covered earlier for clarifying language, phenomenological questions asked debriefees to elaborate on the felt indicators that led to a given interpretation that then led to the action they took.

Example: What for you determines what is relevant in a mediation?

Example: What were you noticing that gave you clues as to whether it was important or not?

Consciousness raising questions. These were the types of questions that brought awareness to the debriefee about what they were thinking or feeling in the moment that a critical moment arose. They may focus on the body, emotional indicators that tell us something is amiss, or on the set of choices available at the moment.

Example: "What was going through your *mind* and what came up for you when you observed that strong reaction?"

Example: "Were there any other things that crossed your mind that you might have done?"

Purpose-to-action questions. These questions try to link the debriefee's intended purpose to their chosen or considered intervention.

Example: What purpose would it have served had you explored that avenue?

Example: What do you see your role as in a mediation and how did your response in this situation connect with how you see your role?

What-if questions. These are questions that spur the debriefee to think about alternative scenarios and the possible outcomes that accompany them. These can support in narrowing down why we did *not* choose another route, since sometimes a choice is not *for* a particular outcome, but rather to avoid another possible outcome.

Example: Can you say more about what fears you had about what might happen had you chosen that avenue?

One way of considering these questions is that they work to identify an individual's governing variables, or their influences in practice. Governing variables, as discussed in Chapter 2, can be things like cultural norms, work setting pressures, time

constraints, personal or performance anxieties, and attachment to outcomes. The list goes on and is unique to each practitioner's background and circumstance. Understanding which of these or other such factors "govern" us at critical points in a mediation can help us have more control over them when they come up again. Critical moments are moments of vulnerability when we are unsure of our choices, leaving us more susceptible to the influence of governing variables. Much of reflective practice, in fact, is in taking the reins back on governing variables, choosing which ones we wish to lord over us in practice.

Supplying Tools for Self-reliance and Discipline in Reflection

As mentioned in Chapter 2, one of the critiques of reflective practice is its broad definitional scope and the superficial understandings mediators may have of it. Recalling Chapter 6, mediators may believe they are already reflecting by the act of what Mezirow calls "thoughtful action," or purposely applying one's existing knowledge to a situation. However, "reflection," according to Mezirow (and as we attempted it) means looking critically at our existing knowledge and questioning our "presuppositions" (Mezirow, 1990, p. 6). Without a roadmap about how to reflect at these critical levels, it is difficult for some mediators to understand, let alone adopt, a critically reflective approach to practice. Availability of concrete models and tools is necessary to support mediators in creating reflective habits of mind.

In our groups, the Reflective Debrief was the primary model for how to support colleagues in thinking reflectively about their practice. I introduced Terry's guidelines for

the debrief, described its parallels to facilitative mediation interventions, and demonstrated it before asking anyone to try it.

I also provided sample questions for reflecting in everyone's journals, both for individual work, and to debrief colleagues.

The repetition of the debrief process through multiple meetings reinforced new ways of speaking about one's work, spurred us out of our evaluative minds to support each other through a connected knowing approach. We attempted to understand, as we ideally do with our clients, what our colleague was thinking and experiencing that led him or her to make the decision they ultimately did. Normalizing through repetition also created a new habit of practice that some mediators carried forth outside the group, making them thus more self-reliant in their self-evaluations. With more time, frequency of meetings and with some external nudges (e.g., "Homework: go through a reflective practice questionnaire after every case"), the self-discipline in reflective thinking exercises would likely increase.

Slowing Down

Reflective debriefing in our groups also supported our learning by slowing us down. We discussed the difficulties of reflecting in the moment (remember Mark's sentiment that he joined the group to improve reflection-in-action), and agreed it is much easier to reflect *on* action with time and space in abundance. Raising attention depends on eliminating distraction, including outside time pressures. Our hope is that improved reflection-*on*-action results in improved reflection-*in*-action. Presumably, through becoming more aware of our governing variables, by replaying critical moments in slow

motion, we will be more aware of them when they recur in real time. This study did not focus on changed mediator behaviors outside the groups, but anecdotally, some participants shared that slowing down their thinking was helpful for their practice. Looking at changed behaviors as a result of RPG participation will be a necessary piece of future research.

Debriefs in our groups ranged anywhere from fifteen minutes to an hour. Lengths depended on the amount of time available to us and the complexity of the debriefee's questions. Based on my experiences with this group, moving forward, I would reserve 45 minutes for full debriefs, to give space to enter critical and reflexive levels of reflection, and then 15 minutes to meta-reflect on the experience of the debrief.

Double debriefs through recordings were very useful for slowing us down and extending the debrief time as well. Being able to hear a debrief on our own time gave us flexibility in thinking it through and for considering alternate questions or approaches. Double debriefing in-group was also very useful and served to extend the time allocated to mediators' self-explorations in the company of supportive colleagues.

Embracing Doubt and Vulnerability

Finally, an important piece that supported openness to learning was the groups' function in normalizing doubt and vulnerability. We live in a world where vulnerability is often frowned upon. For many of us, our jobs require us to *act* with certainty, even if we don't feel it. Unlearning this "false bravado" and developing comfort with our difficulties, as well as our certainties when they are not popular, is a challenge that takes time and predictable, repeated interactions with a reliable group of colleagues.

In my estimation, group members were fairly open in sharing their struggles in practice, as demonstrated through the many vulnerable critical moments they offered. Even mediation trainers in the groups were willing to put themselves in the "hot seat" to discuss moments that frazzled them.

I attribute some of this comfort to participants' maturity and pre-established tendencies to be mindful in their work. It was also supported through my modeling of "why" rather than "what" and "how" rather than "that" when debriefing, thus minimizing the language of absoluteness (i.e., right and wrong). By exploring and validating the reasons behind an individual's choices, even if those choices were unorthodox, we lessened our evaluative stances (separate knowing) and turned more to an understanding approach (connected knowing).

Mediators who shared more vulnerably, like Uma, James and Rita, also set the stage for other mediators to follow suit. Ideally, as an RPG facilitator, I could have modeled this same vulnerability by being debriefed myself, and I hope that moving forward I can participate while in active practice to minimize the feeling of scrutiny that arises in a room full of experienced colleagues.

The anxiety from peer scrutiny is one of the perils of RPGs. I will now discuss it and other inhibitors to learning that can inadvertently arise in groups.

Ways RPGs Inhibited Mediator Learning

On the whole, as we saw in the last section, RPGs do a lot to support mediator learning, not least of which is the social connections that lend diversity to our thoughts

and ways of knowing. It is important to note, however, the ways RPGs may work against learning for some people and in some circumstances.

Peer Scrutiny

As mentioned earlier, the experience of speaking about one's struggles in practice in front of several peers can create anxiety that hinders the creativity and trust required for learning. Though I tried in our groups to normalize and encourage discussion of critical moments, there were moments of hesitation. I noted this within debriefs, like in Mark's shaky voice when talking about his choice to not follow a client's emotionality, or in the reticence mediators had to volunteer a case at the start of our groups. I remember James nudging his colleagues to step forward ("C'mmon guys!") and reminding them that they had cases all the time to discuss.

I think, too, of participants who spoke less on the whole and am left wondering if they felt more intimidated to put their challenges, questions or opinions forward in the presence of seasoned mediators.

I attributed some of this reticence to my own shortcoming in establishing a safe enough setting for them to feel at ease in the process, but also to the very natural inhibition that comes with having a "jury of your peers" listening in as you discuss a moment where you felt unsure of your skillfulness. Some people are naturally more comfortable speaking in a group, like Craig, and some are less so, like Sherry. Without judging either as better or worse, moving forward I would like to explore more closely what facilitates or blocks putting oneself forward in an RPG.

I noted other moments when participants seemed to want to protect themselves from peer scrutiny. In a couple of cases, mediators discussed cases that did not involve a critical moment they were *still* unsettled about and needed help with, but rather talked about a past critical moment they had successfully navigated. There were also times when mediators asked direct questions in hopes of absolute answers from colleagues, who might confirm, disprove, or simply hand over a solution.

Stan was one of these mediators. He was very deferential to his colleagues' experience, especially Ted's and showed hesitation in asserting his own thinking or beliefs. He was reticent to offer an example of a critical moment, and when he did offer a case for mutual reflection, he formed it as such:

> Can I just throw out the question that's been bothering me over recent weeks?...This is something which I've been mulling over, [and I figured] I got some people who are professionals over here! I'd just like to hear how you would've dealt with this situation which came up.
>
> (Mediation Center Group, August 7, 2017)

Stan seemed to feel more comfortable in receiving suggestions than undergoing a rigorous self-examination. At another point in session, when we were sharing mission statements, Stan was bashful to share his after Ted. He reiterated the disclaimer that his was "very simple and straightforward," and that he did not give it enough thought.

Other moments like this indicated to me a mediator's lack of confidence in their "performance," whether before me or before their peers. Craig, for instance, asked me more than once whether our group was providing me with what I needed for my

research, as if his reason for being there was to perform according to my needs. Rita, Heather and others at various points asked if "this was the right time" to raise a point, or if they were "answering the question" I asked. Even Paul, who is very confident with his speech and opinions, at one point asked what we were "supposed" to be doing at a given point. This second guessing mostly occurred earlier in our time together, and I believe related to what I have mentioned earlier, my failure to facilitate full ownership of the group and its directions to members. This was in part because I did not have the luxury of time to make it a fully participatory action research project, but also because individuals deferred to my leadership as the one whose idea the project was in the first place.

If I had to start the groups over again, I would have spent more time on the democracy building aspect of the group. I would have spent the first session in a restorative circle format, allowing us to make group decisions about how to move forward in terms of group format and composition, styles of learning, reflective practice tools to use, and general ways of working together. Even though doing this would have used up at least one precious monthly meeting, I think it would have been worth it in the long run to establish greater group ownership and a confidence of belonging in all group members.

As I have also said before, I would also try to be an active mediator while facilitating the groups, so that I too could model speaking of my vulnerability and uncertainty, even as an "expert" in my subject.

The other side of peer scrutiny that may hamper learning is colleagues' hesitation to challenge one another. There were moments during our reflective debriefs when I or

other debriefers backed down from poignant questions, sensing the discomfort they caused. Even though Terry's guidelines for the Reflective Debrief include, "There is no need to reassure your client" ("client" referring to debriefee, See Appendix E), it felt instinctual to "protect" our colleagues from being too much on the spot. I noticed this tendency even in the Workplace Group where there was a high level of comraderie, but evidently less facility (mainly for females) with challenging one another's thinking. So it seems that debriefing delicate topics depends on normalizing challenging questions, even in groups that have a strong rapport with one another, and especially for women who are frequently socialized not to challenge.

Invisible Conversations

In the last section of this chapter, I discussed the high premium on diversity of group members as insurance against "group think" and stagnancy. Without question, the diversity in our groups (including my presence) contributed to conversations that might not have come about in a homogenous group of mediators (i.e., Similar cultural backgrounds, working in same setting with same trainings and exposure).

That said, it is impossible to know what conversations we did not have that we *might* have had, if other people were in the groups. For instance, there were no race related cases that came up in the Mixed Group, but that was the only group with African American women. What would Heather's debrief have been like if it had taken place in the conference room of John's law firm with the Mixed Group? Given that Craig and Paul, two older white male mediators, did the majority of the speaking in the Mixed Group, were any of Sherry and Evelyn's thoughts inadvertently suppressed? I have more

questions than answers here, but the point is that a reflective practice group is only as wide in scope as its members are, or are willing to reveal.

As a group facilitator, I encouraged the difficult topics as I could. For instance when Heather gave a choice between a case with loud parties or a case involving race, I asked her to debrief the latter, because it seemed important to bring light to racial realities and how to navigate them (cases about loud parties are a "dime a dozen" in mediator debriefs). When Heather's debrief turned to a conversation about strategies and techniques, I brought it back to the initial discomfort she had expressed about her caution in the face of a racial slur. I wanted to make sure that we did not settle for a single loop conversation about tools, without supporting Heather in taking a critical look at the source of her discomfort and paralysis.

Moving forward, there are other ways that I could have encouraged us to think outside of our own experiences to imagine the concerns of participants who are not in the RPG room, including – perhaps the most important absent members – our clients. Marsick and colleagues offer a set of questions (also highlighted in Chapter 2) that I think would be helpful in making visible the invisible. After more time and trust built, I would make use of these questions in our groups:

- What else is going on in the environment that I might not have considered but that may have an impact on the way I understand the situation?
- What is the other person's point of view, assumptions, and expectations, and how can I find out more about them to be sure?
- In what ways could I be wrong about my hunches?

- How are my own intentions, strategies, and actions contributing to outcomes I want to avoid?
- In what way might I be using inapplicable lessons from my past to frame problems or solutions, and is this framing accurate?
- Are there other ways to interpret the feelings I have in this situation? How can I better gain a pathway into experience of other people that might challenge or change my assumptions?

(Marsick et al., 2014, pp. 567–568)

These types of questions intend to get us past our usual modes of thinking to imaginatively consider other modes, or if we cannot, to ask ourselves how we can "better gain a pathway into" others' experiences that would challenge our assumptions. Such proactive commitment to inviting different perspectives seems absolutely essential to advance learning. After a time, I imagine RPGs would want to deliberately recruit members who could offer those alternate pathways, thus preventing a sense of routine or complacency of thought within RPGs.

Time Requirements

One of the obstacles that group participants mentioned with respect to regularly incorporating reflective practices into their work was the time requirement. In our groups, even with two hours per session, it seemed we had insufficient time for expansive debriefs while also inserting time for general catching up, meta-conversations, openings and closings. I suspect that in the long run, as participants familiarize themselves with reflective questions, they might take themselves to those points sooner, but at the outset, it

took significant time to get to critical levels of reflection (identifying and questioning our presuppositions), if we got there at all.

I recall Michael Lang saying in response to the critique that reflective practice is not practical and takes too much time that we simply could not afford not to do it. My experience has taught me the same. Like Rita, I think that reflective practice is closely aligned with ethical practice given how limited our knowledge is about how parties feel having worked with us, and how limited our opportunities are for feedback from them and colleagues.

The danger of carrying out reflective exercises in cursory ways due to limited time is an inhibitor to deep learning. Making enough time to carry out reflective practice in meaningful ways (versus a questionnaire mindlessly administered at the end of a mediation) requires some restructuring and renormalizing of what we consider "the mediation process." Just as we study a case file prior to conducting a mediation, we can build in time for reflective practice after a case is done. Since it is less likely that such discipline will happen independently, RPGs provide a reliable time and place in which to consider our choices and their impact. Arguably, RPGs are also superior to reflecting alone, because we also have the benefit of diversity of perspectives.

How much time can be allocated to each participant to debrief depends on frequency of meetings and number of members. In the Workplace Group with five people, six weeks once a month was enough time for everyone to have a meaningful debrief, but with seven people in the Mixed Group, it was not. Adjustments that would support more meaningful participation include: meeting more frequently, lengthening

time for each session, prioritizing debriefs rather than conversations about debriefs or reflective practice (which were necessary for me as part of this study, but can now be lessened), or decreasing the number of participants.

Mismatches with Ways of Knowing or Speaking

As was earlier noted, reflective practice in the way I led it through the Reflective Debrief, had a linear, logical quality to it. The process involved honing in on a critical moment, and then turning in sequence to: what feeling or thought it brought up for the mediator, how they interpreted the moment, what indicators they had that caused them to interpret it that way, what they did in response, and the source and validity of their interpretation and choice.

While for most mediators, this process worked well, some like Sherry, Craig and Nathan, did not express themselves in such linear ways. Whether because they were prone to entertaining through a good yarn, or because they actively expressed connections as they thought of them, or simply because they thought in in non-linear ways, the debrief approach did not feel – for lack of a better word – “natural” to their ways of speaking. The irony of the debrief, as I have mentioned, is that it uses a techno-rational approach to understand what are often non-rational and non-linear ways of thinking and knowing. Sherry, for instance, was a very connected knower, who jumps from thought to thought, not necessarily in a tidy order, but in the order that she experiences the “footage” in her mind. Likewise for Nathan, who offered sparse and non-sequential details about his case, making it difficult for me to follow his logic, yet perhaps because he took for granted his first-hand knowledge of the case, he did not deliver the

information in a way that facilitated its digestion for others. Craig, too, often interrupted himself with asides such as funny details of a conversation with a client, or a new question that had occurred to him, or a correction of something he had previously said.

In truth, few of us speak in the ways we think and experience the world, but we learn to express ourselves so that others will be more likely to hear and accept us. It could be that Nathan, Sherry and Craig were simply more authentic in their expression. I relate well to the tension between what is inside us and how we "dress it" for the outside world. In writing this dissertation, I frequently experienced the subtle battle between my inner academic editor ("substantiate your claims, cut superfluous language, start with main sentences," etc.) and a more natural mode of expression that does not strictly conform to presentational standards. It may be that after writing enough articles in academic journals, my inner voice and outer voice will mirror one another more closely, but for now, there is certainly a manipulation and censorship happening under the surface as I attempt to make myself acceptable and understood by an academic audience.

The disconnect between inside voice and outside voice is both a challenge and a benefit of reflective practice groups. As Dewey said:

> [An] experience has to be formulated in order to be communicated. To formulate requires getting outside of it, seeing it as another would see it, considering what points of contact it has with the life of another so that it may be got into such form that he can appreciate its meaning. Except in dealing with commonplaces and catch phrases one has to assimilate, imaginatively, something of another's

experience in order to tell him intelligently of one's own experience. All communication is like art. (Dewey, 1916, p. 6)

Understanding Dewey's point, part of enhancing connected knowing requires that we make efforts to not just understand, but make ourselves understood. Desiring to connect with others requires imagining the other's experience in order to better reach them, and so co-formulate ideas that lead to more learning. We experienced many instances of such efforts to understand the others' experience through our reflective practice groups.

There is a difference, however, between shifting our language to connect and shifting our language to submit or conform. The distinction is important, and the latter experience can inhibit learning for some within a reflective practice group. Leah Wing's excellent article, "Mediation and Inequality Reconsidered" (2009), artfully describes the shortcomings of mediation's core values with respect to addressing structural inequalities of mediation participants, including mediators. Among her arguments, she states that "neutrality" is not a realistic aim if the norms of communication in the process favor those who have been socialized to behave according to those norms (Wing, 2009). The same I think is true for the use of reflective practice methods and group formats. I have already discussed the linear approach of a reflective debrief as one example of a method that may not be in sync with a mediator's way of re-living their critical moments.

Additionally, though mediators are used to the dominant discussion format of structured conversation while seated around a table, it does not follow that this format would be the most comfortable or effective way for all mediators to increase awareness of

experience with themselves or their peers. For mediators who rely more on experiential knowing, intuition, relationships, visual or bodily learning, sitting for two hours around a long conference table may be a limiting rather than expansive learning arena and work form.

Though unusual, it might be useful to consider alternative ways of gathering in communities of practice that allow space for a variety of interactions: formal, informal, verbal, non-verbal, structured, non-structured, and so on. Such openness among practitioners might also spur a willingness to consider alternative modes of mediation itself to facilitate reflective thinking for clients, as Ted and I had discussed in one of our sessions.

Participants in groups have experience with their own methods for reflection in daily life. Drawing from their experience to create new methods for mediators might be a productive exercise, harkening back to Hammer and Elby's idea of epistemological *resources* (Hammer & Elby, 2002). In our groups, Ted and Mark's interest in meditative or mindfulness approaches to reflection might be tapped, as well as John's attention to emotional cues in practice enhanced through his therapy background. Uma also had ideas about new shorthand terms, similar to "governing variables," that could be introduced to convey experiences for which we do not yet have language.

It makes sense that understanding our deeper impulses must move us beyond words and logic to explore other ways of knowing. Though taboo for a long time in mainstream science, a quick online search will reveal the increased attention to

consciousness studies, an area that may someday become highly relevant for conflict practitioners' practice and reflection.

Future Directions

This project served as a starting point to explore the utility and application of reflective practice in support of learning by mediators and other conflict resolution practitioners. As mentioned before, this is an outtake of a work in progress. The next step in my work with colleagues will be to reconvene the groups and present a synthesis of my conclusions thus far for feedback and further cogeneration of knowledge.

While preparing and carrying out this project, the need for several avenues of future research became apparent. Some of these might be carried out via current groups, others would need the support of a more sophisticated and resourced research program.

1) <u>Studying the effects of reflective practice groups via pre and post assessments and ongoing self-tracking</u> - Through carefully formulated surveys and tracking assignments (like required journaling or reporting by study participants), it would be possible to get a clearer understanding of the effects of reflective practice on conflict practitioners' practice habits.

   As more than one participant noted in our closing conversations, a challenge in integrating reflective practice to organizational bodies, trainings or generally making it a norm in the field, is the lack of concrete evidence about its impact either on practitioners or their clients. Though we had some indicators of impact through this project, its aim was to study the purpose and application of reflective practice

groups for mediator learning, but not precisely to track changes in mediators' practices away from the group.

Longer term and more deliberate tracking for effects in practice are needed in order to say something more meaningful about how reflective practice supports stronger mediation. Attention to subjectivity in definitions of "strong" and "good" mediation should also be noted. Based on the reflective practice and experiential learning literatures as well as observations in this project, the more critically reflective the practitioner, the greater should be their: capacity to explain (teach and replicate) their choices in practice, presence and equilibrium in the middle of a mediation, awareness of effects of their interventions on clients, and capacity for making conscious adaptations and for continuous learning from their experiences. In the large scheme, changes at these individual levels should also have an impact on the general trends of the field, so that professional organizations would be shaped around improving learning processes in conflict resolution practice, rather than regurgitating and selling techniques.

2) <u>Research for institutionalizing RPGs in organizations</u> – Connected to the prior area of research is the need to track organizations that have incorporated reflective practice into their practice norms. We need to both have strong models for how to do so, drawing from experiences with learning organizations (Baldwin & Gould, 2004; Fook, 2004; Senge, 2006), as well as track the long term impacts for mediators working or becoming trained in these organizations. The Workplace Group and the

Mediation Center Group are possible settings in which to study this integration process and its effects.

3) Research on models of RPGs and RP resources specific to conflict resolution practitioners – Another challenge for the expansion of reflective practice is the lack of models and resources available to conflict practitioners. Given the imprecision of the term "reflection" as used by the general public, it is important to have clear guidance about how to construct and nurture a group (a biproduct of this project), and also to collect existing approaches for critical reflection beyond those accessed through this project. This would entail a larger survey of conflict specialists about the reflection tools that come to their aid and guidance for the usage of those tools, as well as repurposing reflective practice tools and resources from other fields.

Apropos the varieties of learning styles and epistemic orientations in group members, some of the investigation in this area should search for RPG or RP approaches that accommodate a diversity of ways of learning and knowing. For instance, if we place a high value on connected knowing in conflict response work, and we understand that individuals do not remain fixed in their epistemic orientations, then presumably we can support an individual who operates with less reflective (contextually, procedurally based) capacities to transpose their reflective capacities in other parts of life to their mediation practice. Hammer and Elby refer to these transpositions as "bridging analogies," when we can take our thinking process from more familiar situations and apply them to the choppy terrain of conflict interventions (Hammer & Elby, 2002). They and others suggest that rather than

focusing on testing individuals' capacities for a particular subject, as if these were fixed (e.g., the notion of pre-requesites to become a mediator), our interest should lie in discovering the processes and methods (like bridging analogies) that support individuals in accessing their optimal levels of reflection (Hammer & Elby, 2002; King & Kitchener, 2004).

4) <u>Studying the impact of reflective practice on conflict resolution practitioners' epistemic cognition</u> – I gave significant attention to personal epistemologies and epistemic cognition in this project, because of the clear link between self-reliance in learning and epistemic cognition. Without understanding *how* one learns, one can only advance so far in their learning. Epistemic cognition at the level of procedural knowing or reflective judgment allows a practitioner to have control over their formulations. Reflective practitioners neither blindly accept a "should" from trainings or other practitioners, nor do they work purely subjectively by relying on instinct or "gut." Being able to discern the source of one's understanding necessarily advances one's dominion over choices in practice, and reduces our susceptibility to the invisible forces (governing variables) that inevitably spur all of us to some degree.

Over the years since Perry's knowledge development model, epistemologists have developed other assessment tools for measuring epistemic cognition. Among these are: the Schommer Epistemological Questionnaire, The Reflective Judgment Questionnaire, and the Epistemic Belief Inventory (Hofer, 2002). Adaptations of these assessments have also been created according to domain or project, such as Belenky et al's questionnaires partly based on Perry's work and partly drawn from their own

interview experiences with women of all backgrounds (Hofer, 2002). Models like these could provide a starting point to creating a similar assessment tool for conflict resolution practitioners, maybe in combination with other kinds of conflict-specific measurements, like Coleman and team's conflict adaptivity measurement tool under construction (Coleman, Kugler, & Chatman, 2017).

Hofer (2002) points out the challenges that researchers studying personal epistemologies have encountered in formulating reliable measurement tools, and these will also be worthy of consideration. She asks the following questions that would be useful for conflict resolution researchers as well:

- Can we fully capture individual epistemology when we impose meaning through the questions we ask?
- Can epistemology be effectively measured through self-report continua, such as Likert-type scales?
- What ontological assumptions do we make about epistemology when we expect that it can be captured out of context?

Hofer (2002) notes that Likert-type measurements were developed in part under the expectations of large scale studies, where budgets are too limited to conduct detailed, in-depth interviews with individuals. Without such pressures in conflict resolution practice, it would be possible to do a project similar to this one, *in context*, by following one or two diverse RPG groups over a couple of years, and gauge their changes in epistemic cognition through the repetition of a reflective orientation and regular interactions with colleagues from diverse backgrounds. Carrying out such a

project in conjunction with closer tracking as described earlier through journals or immediate post-mediation interviews, would enrich our knowledge of not only reflective practice, but the variety of conflict specialist approaches to ill-structured problems.

5) <u>Reflective action research studies about mediator decision-making</u> – Realizing that this learning was facilitated through reflective practice as a research method within an action research orientation, I can imagine RP as a powerful method for studying phenomena other than itself. One such area is in the study of mediator decision-making. While this area has been studied to a degree (See Chapter 2, "Literature on Mediator Behaviors"), the onus of the "findings" and "observation" still rests on an outside researcher, even if that researcher is working with a group of mediators. Kressel's work is an exception and has already built a solid path for exploring mediator motivations through the use of his "reflective case study method," akin to the reflective debrief (Kressel, 2013; Kressel & Gadlin, 2009). A more participatory approach to research, involving members of RPGs, could micro-focus on types of decisions, such "going off script" or borrowing techniques from other modalities. These types of content-rich studies would support the amplification of mediator *process* wisdom (versus prescriptive advice) given the challenges of insulation and isolation in practice.

The use of reflective practice as a research technique and reflective practice groups as work forms, as they were used in this project, provide a model of how to conduct action research with conflict resolution practitioners. These forms make

learning a democratic self-initiated process. Simultaneous to "extracting" information from study participants, RPGs and RP increase participants' capacity to "self-learn," thus creating a mutually beneficial research relationship between academics and practitioners, the ideal of action research. Eventually, RPGs might even include visiting former clients who could share their first hand experiences of a mediation for the benefit of communal learning and improvement of practice. This potential seems especially crucial for learning how to navigate critical moments that are outside group members' direct experience, such as racial or cultural differences.

Closing

The preceding learnings are one part of an ongoing research agenda to improve conflict resolution practitioners' means of learning from practice. Reflective practice as exercised through our groups is one such approach. It is my hope that the arguments and illustrations presented here have provided a solid foundation and justification for conscious expansion of reflective practice as a subject of research, as a research method and as a practice approach. In the spirit of action research, we invite those of you with relevant experience to contribute to these efforts through your insights as critical friends, or to collaborate with us in expanding this research. I am grateful for the time and effort my colleagues dedicated to our communal exploration and look forward to our continuing journey together.

Appendices

Appendix A

Sample Outreach Email to Recruit Participants in Study

Dear Colleagues,

My name is Rochelle Arms, and I am a PhD candidate at the School for Conflict Analysis and Resolution at George Mason University. As part of my research, I am convening a group of mediators and conflict resolution facilitators to participate in a reflective practice group, in which participants will discuss approaches to learning and improving in practice, with the aim of deepening in their own practice, and developing best practices for supporting new and experienced mediators in ongoing learning.

Participants in this study are asked to participate in monthly two-hour meetings over seven months, and also agree to 2 – 4 individual interviews about their learning and practice over this period. One or two preparations or debriefings of actual cases will also be observed per mediator, if possible. All roundtables and interviews will be audio recorded, but no personally identifying information will be used in writing or sharing about the research.

A learning community is a safe space for exploring and refining one's practice with the support of other conflict resolution practitioners, and for contributing to a growing body of knowledge about learning in practice. In addition to peer support through a learning community, individual interviews before and after cases support you in careful reflection about your case. Though I will provide a structure to our process, participants may take turns facilitating learning conversations or presenting their own research or case studies as relevant to the group. Light snacks and beverages will be provided at each meeting.

My Background
Prior to entering my doctoral program, I served as the Restorative Justice Coordinator for the New York Peace Institute and as Outreach Coordinator for its predecessor, the Safe Horizon Mediation Program. I have been a mediator for 19 years, and continue to work and teach within the field. My interest in this research arose from the challenges I observed in mediation practice and training.

How to Join
If you would be interested in participating in this research, please contact Rochelle Arms, rarms@gmu.edu, 646-820-1175.

Thank you,

Rochelle

Appendix B – Letter to Workplaces

Dear Colleagues,

As some of you may know, I am conducting a participatory action research project in New York City focusing on the use of reflective practice; that is – learning ways of examining the assumptions underlying our practice choices and their effects. A reflective practice session can focus on a particular case or more generally, on recurring challenges in practice. It may also focus on aspects we take for granted and may never question, but which could have inadvertent effects on our clients.

As part of my dissertation project, **I am offering one workplace the opportunity for in-house monthly reflective practice sessions.** There is no charge for this service, and all participants would remain anonymous within any future publications. Because this is an action research project, however, there would also be possibilities for co-authoring articles about the reflective practice experience, should your team wish to pursue it.

The ultimate goal of this research is to gain clarity about the impact of reflective practice on the quality and ongoing learning capacities of conflict resolution practitioners, and make reccommendations to the field about best practices in training and education of practitioners.

Criteria for participating

1) Team/Staff members mediate or facilitate conflict cases on a regular basis (i.e., at least once a month). The study is not limited to mediators.
2) Team/Staff members commit to meeting once a month for two hours over a period of approximately 6 months, and are provided this time as part of their professional development during work hours.
3) Team/Staff members are interested in the growth and improvement of the conflict resolution field.

While popular in other fields, such as nursing and social work, reflective practice is less known in the field of conflict resolution, yet its use is very relevant to what we do and provides systematic approaches to checking and improving the quality of our work.

About Me

I am currently a PhD candidate at the School for Conflict Analysis and Resolution at George Mason University. Prior to entering my doctoral program, I served as the

Restorative Justice Coordinator for the New York Peace Institute and as Outreach Coordinator for its predecessor, the Safe Horizon Mediation Program. I have been a mediator and restorative justice practitioner for 19 years, domestically and abroad, and continue to work and teach within these fields. My interest in this research arose from the challenges I observed in mediation practice and training.

How to Join
If your team would be interested in this opportunity, please contact Rochelle Arms, rarms@gmu.edu.

Appendix C: Informed Consent Form

Informed Consent Form – Study Participation

Conflict Resolution Practitioners Learning through Reflective Practice

INFORMED CONSENT FORM

RESEARCH PROCEDURES
This research is part of a dissertation project for George Mason University's School for Conflict Analysis and Resolution. The purpose of this study is to better understand how mediators adapt their training to real life mediations, and to gauge the usefulness of reflective practice approaches in their learning. If you agree to participate, you will be asked to participate in 2 - 4 interviews for 1 – 1.5 hours each to discuss your mediation process, or to respond to interview questions via email, as needed. You may also be asked to take part in monthly 2-hour roundtables with approximately 8 - 12 mediators between now and August 2017 to discuss various aspects of your mediation learning experience. In addition to interviews and roundtables, the researcher may ask to observe your preparation and debriefing of one or two mediation cases with colleagues (1 – 1.5 hours each), as time allows. All research activities will be carried out by researcher and mediator Rochelle Arms.

RISKS
Other than possibly experiencing some vulnerability in discussing one's own difficulties in practice, no foreseeable risks are anticipated.

BENEFITS
Participating in this research will help to further research about conflict resolution practitioners. You may also have the opportunity to think more deeply about and gain greater awareness about your motivations in practice. Participation in the ongoing roundtables may also give you access to a supportive community of practice.

CONFIDENTIALITY
The data in this study will be confidential. Your name and any identifiable data will be kept confidential. All data collected will be stored on a flash drive in a locked file cabinet in the principal investigator's office for up to five years. Please be mindful that although roundtable participants will be asked to keep the contents of the discussion confidential, the researcher cannot control what participants might say outside of the research setting. To protect party privacy, please only use pseudonyms or initials when/if discussing clients. In the case of responding to interview questions via email, note that while it is understood that no computer transmission can be perfectly secure, reasonable efforts will be made to protect the confidentiality of your transmission.

PARTICIPATION
Your participation is voluntary, and you may withdraw from the study at any time and for any reason. If you decide not to participate or if you withdraw from the study, there is no penalty or loss of benefits to which you are otherwise entitled. There are no costs to you or any other party.

AUDIO RECORDING
By signing this consent form, you agree to have your interviews and the roundtables audio recorded for purposes of drawing out particular themes around mediator decision-making. For parties' sake, please use pseudonyms, titles (i.e., complainant) or parties' initials when speaking about them. Audio recordings will be transcribed within 1 week, and thereafter audio will be kept on flash drive in locked file cabinet in the principal investigator's office at George Mason University for up to five years. Because this project is an action research project, meaning that participants are also studying themselves, you can request access to all audio recordings of yourself or your group in order to better reflect on your learning in practice. By signing this consent form, you agree to destroy the audio file as soon as you have listened fully to it for learning purposes, preferably within one month of the time you received it. By signing this form, you also agree that other members of your study group can have access to recordings of the reflective practice group, and are required to sign this consent form before listening.

CONTACT
This research is being conducted by Rochelle Arms, School for Conflict Analysis and Resolution, at George Mason University. She may be reached at 646-820-1175 for questions or to report a research-related problem. You may also contact Ms. Arms' dissertation committee chair (principal investigator), Dr. Susan Allen at 703-993-3653. You may contact the George Mason University Office of Research Integrity & Assurance at 703-993-4121 if you have questions or comments regarding your rights as a participant in the research.

This research has been reviewed according to George Mason University procedures governing your participation in this research.

CONSENT
I have read this form, all of my questions have been answered by the research staff, and I agree to participate in this study.

____

Name and Signature

____

Date of Signature

Appendix D: Sample Reflective Practice Group Agenda

<u>Tentative Agenda for First Reflective Practice Group</u>

Maintain a humble and informal tone, enjoy!!

A. **Welcome, review of audio recording/consent, and opening introductions** – 15 min.
    a. Opening Circle – Getting to know one another
        i. Mediation background – types, settings, length of time practicing
        ii. What keeps you interested in mediation practice?
B. **Intro to my project (elevator statements)** – 15 min
    a. Motivation
    b. Problems observed in practice
    c. Interest in learning and learning how we learn (in practice)
    d. Reflective Practice – what is it?
    e. Three levels of reflection for this project:
        i. Practice itself - cases
        ii. Learning how to be reflective facilitators to one another
        iii. Meta-reflection on our process as a group (me too)
    f. Participatory Action Research (spiral of action: plan, act, observe, reflect)
        i. Monthly meetings
        ii. Individual interviews
        iii. Pre and post case observations
        iv. Learning Journals
C. **Q & A** – 15 min.
D. **Pairs – Learning in this group** – 10 min.
    a. How can you tell that you've learned something?
    b. What aspects facilitate your learning?
    c. What have been some of your barriers to learning?

----------BREAK-------

E. **Trying out one method - Reflective Debrief**
    a. Case debrief – demo
    b. Responses to process (also journal your observations re: RD process)
F. **Closing and Plan to Reconvene – reminder about journal**

Appendix E - Some Guidelines for Reflective Debrief

1. Trust your client (the mediator)
2. Be clear about your values in the process and work from those values.
3. Never make a statement when a question will do.
4. Your client sets the field of exploration
5. It is your job to support their exploration
6. It is your client's job to engage their thinking to the maximum extent possible
7. It is never your job to "get" your client to do or understand anything.
8. A value free observation can be helpful.
9. The client sets the limits on how far to go, what they want to deal with, and when they want to reject a question or invitation to explore something.
10. Any "telling" we want to do will be of far less value than the reflective process
11. Attend to the inner urges that you are experiencing – it is valuable information about how you are as a mediator.
12. There is no need to reassure your client – resist that. Instead, help them explore whatever learning there is from the experience they had.
13. Use the experience of being a debriefer as an opportunity for your own reflective process.
14. When you're done – you're done.

Appendix F – Post-Session Inventory Card

<u>Post-Session Inventory</u>

Describe the critical moment

How did you respond internally and externally?

What intervention options did you have?

What factors influenced your decision?

What was the purpose of the intervention you chose?

What alternative intervention might you have chosen?

What would have been its purpose?

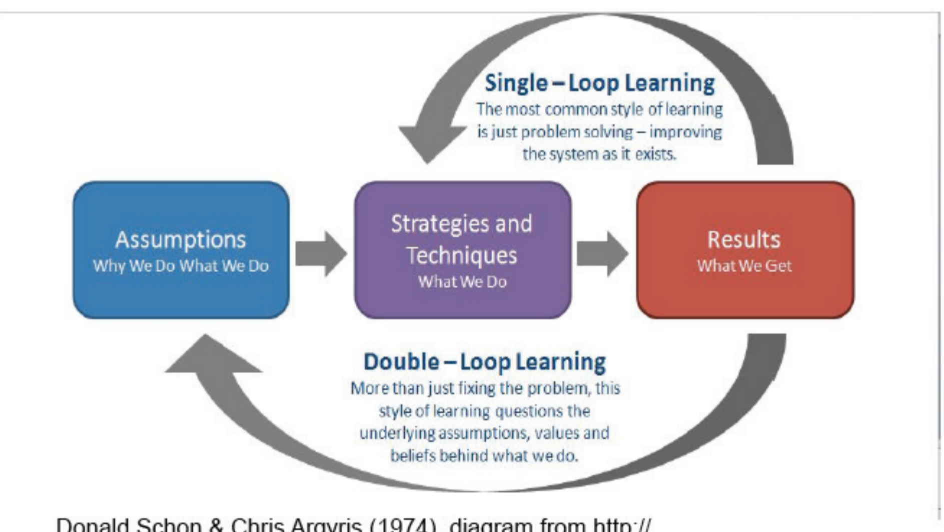
Appendix G – Reflective Practice Definition and Double Loop Visual

Reflective Practice

- A process (cognitive, emotional, experiential) of examining assumptions (of many different types and levels) embedded in actions or experience
- A linking of these assumptions with many different origins (personal, emotional, social, cultural, historical, political)
- A review and re-evaluation of these according to relevant criteria (context, purpose, etc.)
- A reworking of concepts and practice based on this re-evaluation

(White, Fook & Gardner, 2006, p. 12)

Double Loop Learning Model



Donald Schon & Chris Argyris (1974), diagram from http://www.selfleadership.com/blog/leadership/reflecting-and-leaning-2009-to-2010/

Appendix H - Mediation Reflection Tool for Values Alignment

MRPP Pre-Mediation Reflection Tool (Draft)

The Mediator Reflective Practice Project (MRPP) conducts research and develops programs that empower mediators to hone their conflict resolution skills on a regular basis by reflecting on their work immediately before and after mediating their cases.

This MRPP Reflection Tool (in *Beta* stage) aims to assist mediators in upholding their desired principles of mediation. Please refer to the end of this form for follow up steps to improve this open source tool.

Before the Mediation

This section allows you to reflect on your practice before a case, to get a sense of what you are aiming for and be mindful of how to prioritize it.

What guiding principle do I want to uphold?
This question asks you to choose a principle you would like to reflect on to build your skills. Use this form additional times if you'd like to reflect on more than one principle.

__Impartiality __Self-Determination __Confidentiality __Safety
__Other:______________________________

Based on past cases (or my training), what specific actions can I take to uphold this principle during the mediation and why will they help?

____

____

____

What factors (i.e., attitudes, prep work, environment, "mantras," etc.) will increase my chances of carrying out these actions as necessary during the mediation?

____

____

____

How will I know that these actions have achieved their desired effect?

____

____

____

After the Mediation

What guiding principle did I want to uphold?

__Impartiality __Self-Determination __Confidentiality __Safety
__Other:_______________________________

What <u>specific actions</u> did I take to uphold this principle during the mediation?

____

____

____

What was the effect of these actions?

____

____

____

What <u>specific actions</u> did I take that *did not* uphold this principle during the mediation?

____

____

What factors, if any, *impeded my ability* to uphold this principle?

What factors, if any, *facilitated my ability* to uphold this principle?

The Future

What can I work on in the future to uphold this principle?

What are my questions or confusions around this principle?

Improving this Tool

Please help the Mediator Reflective Practice Project* improve this tool. We encourage you to use and adapt this tool as you wish, and to share it with your own community of practice. In exchange, we ask that you provide feedback and ideas about the tool for the benefit of the wider practitioner community. You may email

us at: rarms@gmu.edu **or return the bottom portion of this sheet to one of our team.** ***Note that this tool is also available in online format.*** **Please email for more info.**

*****_The Mediator Reflective Practice Project (MRPP) is a mediator/scholar-led initiative to conduct research on mediation practice and develop user-friendly tools for mediators to become more attuned to the impact of their interventions. It is currently led by scholar-practioners at George Mason's School for Conflict Analysis and Resolution, MH Mediate, and in collaboration with various mediation communities in New York and Virginia._

Feedback about the MRPP tool:

____

____

____

____

____

____

Your contact information:

____

Appendix I – Crafting a Mission Statement

Crafting a Mission Statement

I identify myself as a _____________ mediator.

I believe that conflict is_________________.

I believe that conflict does _______________ to people.

I believe that people in conflict are striving to ______________________.

My primary goal is to______________________.

I believe that parties are (the only/ the primary/ one of the) agents of change in the room.

My principal interventions are _______________.

Indicators that I have carried out these interventions well are___________________.

I avoid using interventions that___________________.

MY MISSION

I identify myself as a transformative mediator. I firmly believe that conflict tends to inundate the identities (sense of self) of its participants. I believe that as parties in mediation work their way through their conflict, certain specific, yet universal imperatives will impel them to attempt strides to reestablish identity by reconnecting with themselves, and perhaps one another. Consequently, my first goal is to turn over all considerations involving the momentum of parties (both the velocity with which they move and the direction in which their movement carries them) to those parties. If there are agents for change in the room, it is the parties, themselves who are those agents, not me.

My principal interventions are to give parties reports of what seems to matter to each of them, and reports of what their differences look like. These reports, if done well, can be highly useful to parties as they attempt shifts or contemplate making shifts; they take the form of reflections or summaries of parties' dialogue. At the level of technique, a good report is inclusive of whatever seems to matter to the speaker, has a quality of immediacy in that it captures the speakers relationship to his or her words, as well as the words, themselves and is accurate – it distorts nothing. At the level of intent, a good report is simply a report: it is not intended to promote some responses over other responses. In sum, a good report is neither tactical nor strategic. It makes no claim to the future.

I strive to be an attentive, responsive presence in mediation, but to avoid using interventions that thwart or alter the course of party momentum.

P.M.

Appendix J: Reflective Debrief Sample Questions

- What were you thinking/feeling when you made that decision?
- What were you thinking as you were listening to the client?
- Can you remember a moment in the mediation when you began to have the reaction you've described?
- What were your options, and how did you choose the one that you did?
- At what moment did you experience surprise?
- Are there areas you didn't explore? What made you not explore them?
- What now makes you think differently about X situation?
- What exactly tells you that X was happening?
- How do you feel / think about X situation now?

Appendix K – Interview Questions

Questions Asked Throughout Project:

- What are the continual barriers or situations in your practice for which you sense you don't have adequate knowledge or solutions?
- How do you define good mediation? How can you tell that you are mediating well?
- Have your definitions of good mediation changed over time?
- How has your practice changed since training, and why?
- What are your red lines (e.g., things you would never do). Why?
- How do you improve your practice? How can you tell when you've improved?
- What specific behaviors support/block X mediation principle?

Questions Asked At the End of Project:

- How was this group similar or different from your expectations, or from past reflective group experiences?
- How likely are you to recommend a group like this to practitioner colleagues?
- If you had to briefly explain reflective practice to someone who'd never heard of it, how would you define it?
- Can you share one or two things that were challenging/frustrating/uncomfortable about participating in this group (if any)?
- Can you share one or two things that were affirming/uplifting/enjoyable about participating in this group?
- What reflective practice methods worked best for you? (e.g., journaling, debriefings, conversations about practice, inventory card, listening to session audio recordings)
- Which of those methods, if any, are you likely to continue using in your practice?
- Did being in our group noticeably affect something you do or think in practice? If so, what and how?
- How much ownership did you feel over the group in terms of:
    - Content of what we discussed
    - Amount of time spent on an activity or discussion
    - Being the debriefer or debriefee
    - Deciding the format of the group
    - Choosing meeting locations
    - Choosing frames for thinking about our work
    - Affecting the course/agenda/aim of the project
    - Facilitating the group
- How would you characterize your experience of this reflective practice group?
- What is the most appropriate use, as you see it, of reflective practice for conflict specialists?
- Other reflections?

Appendix L - List of Reflective Practice Sessions and Debriefs

<u>Mixed Group</u>
March 19, 2017
- Intro to each other and project
- Debrief: Mark

April 23, 2017
- Debriefs: Chuck, Rita

May 20, 2017
- Mid-point meta-reflection
- Double debrief: Rita and Paul

June 19, 2017
- Guest Q & A with Michael Lang

July 16, 2017
- Crafting a Mission Statement
- Debrief: Paul

September 11, 2017
- Closing meta-reflection

Other Debriefs
- May 2, 2017 (one-one-one with me in person) - Sherry
- May 19, 2017 (one-on-one with me by phone) – Rita
- July 6, 2017 (all group members by phone) – Craig

<u>Workplace Group</u>
March 8, 2017
- Intro to project and Q & A discussion

April 24, 2017
- Recap on Reflective Practice
- Debrief: Allen

May 31, 2017
- Debrief: James and Robert
- Discussion on intuition and life experience

June 20, 2017
- Debrief: Heather
- Discussion on cases involving race and identity

July 25, 2017
- Guest Q & A with Michael Lang

September 22, 2017
- Closing Meta-reflection

Other Debriefs
- August 11, 2017 - Heather (one-on-one with me by phone):
- November 9, 2017 - Uma and Robert (one-on-one with me in person)

<u>Mediation Center Group</u>
June 6, 2017
- Introduction to project and each other
- Debrief: Ted

August 7, 2017
- Debriefs: Ted, Nathan, and Stan
- Crafting a Mission Statement

References

Abramowitz, A., Stipanowich, L., & Gorelik, A. (2016). *Reflective practitioner groups: A new tool for improving ourselves as practitioners?* (ABA Section of Dispute Resolution Newsletter). Retrieved March 16, 2018 from https://www.americanbar.org/content/dam/aba/administrative/dispute_resolution/newsletter/oct2016/abramowitz_et_al_reflective_group.authcheckdam.pdf

Advancing Dispute Resolution. (2013). Volunteer mediators: The composition, contribution & consequence of ADR altruists. Retrieved May 11, 2016, from https://www.advancingdr.org/research/volunteers

Alley, S., Jackson, S. F., & Shakya, Y. B. (2015). Reflexivity: A methodological tool in the knowledge translation Process? *Health Promotion Practice*, *16*(3), 426–431.

Argyris, C. (1982). *Reasoning, learning, and action: Individual and organizational* (1st edition). San Francisco: Jossey-Bass.

Argyris, C., & Schön, D. A. (1974). *Theory in practice: Increasing professional effectiveness* (1st edition). San Francisco: Jossey-Bass.

Arms, R. (2017, June). *The effects of reflective practice on mediation: A case study*. Presentation at the Association for Conflict Resolution - Greater New York Annual Conference, New York, NY.

Arms, R., & Allen, S. (2015). *Tools for conflict resolution reflective practice* (Unpublished Online Survey). George Mason University, School for Conflict Analysis and Resolution. Retrieved March 16, 2018 from https://docs.google.com/forms/d/1w2IXT7gU3H-6wVhNJYAhT6YCvGNnhZ6wSIzyecxbCAk/edit

Arms, R., & Berstein, D. (2015, October). *Tools to prove you practice what you preach*. Workshop presented at the Association for Conflict Resolution Annual Conference, Reno, NV.

Association for Conflict Resolution. (2017, August 8). Re: ACR News Tuesday August 8, 2017 [Electronic mailing list message].

Aureli, F., & Waal, F. B. M. de. (2000). *Natural conflict resolution*. Berkeley: University of California Press.

Baldwin, M., & Gould, N. (Eds.). (2004). *Social Work, Critical Reflection and the Learning Organization*. Abingdon, GB: Routledge.

Bartlett, F. C. (1964). *Remembering: a study in experimental and social psychology*. Cambridge, UK: Cambridge University Press.

Beausoleil, E., & LeBaron, M. (2013). What moves us: Dance and neuroscience implications for conflict approaches. *Conflict Resolution Quarterly*, *31*(2),133–158.

Belenky, M. F., Clinchy, B. M., Goldberger, N. R., & Tarule, J. M. (1997). *Women's ways of knowing: The development of self, voice, and mind* (10th anniversary edition). New York: Basic Books.

Benjamin, R. (2012, June). The natural history of negotiation and mediation: The evolution of negotiative behaviors, rituals, and approaches. Retrieved January 5, 2016, from http://www.mediate.com/articles/NaturalHistory.cfm

Berger, P. L., & Luckmann, T. (1966). *The social construction of reality: A treatise in the sociology of knowledge*. New York: Anchor.

Bishop, E. C., & Shepherd, M. L. (2011). Ethical reflections examining reflexivity through the narrative paradigm. *Qualitative Health Research*, *21*(9), 1283–1294.

Bolton, G. (2014). *Reflective practice: Writing and professional development* (4th edition). Thousand Oaks, CA: Sage Publications.

Boud, D., & Walker, D. (1998). Promoting reflection in professional courses: The challenge of context. *Studies in Higher Education*, *23*(2), 191–206.

Boyes-Watson, C., & Pranis, K. (2010). *Heart of hope resource guide: Using peacemaking circles to develop emotional literacy, promote healing and build healthy relationships*. Boston, MA: Center for Restorative Justice at Suffolk University.

Bromme, R., Kienhues, D., & Stahl, E. (2008). Knowledge and epistemological beliefs: An intimate but complicated relationship. In M. Swe Khine (Ed.), *Knowing, Knowledge and Beliefs* (pp. 423 - 441). New York: Springer.

Bronson, S. (2000). Improving mediator competence through self-assessment. *Mediation Quarterly*, *18*(2), 171–179.

Brookfield, S. (1998). Critically reflective practice. *Journal of Continuing Education in the Health Professions*, *18*(4), 197–205.

Bulman, C., & Schutz, S. (2013). *Reflective practice in nursing* (5th edition). Hoboken: Wiley-Blackwell.

Burr, V. (2003). *Social constructionism*. New York: Routledge.

Bush, R. A. B., & Folger, J. P. (2004). *The promise of mediation: The transformative approach to conflict* (Revised edition). San Francisco: Jossey-Bass.

Carnevale, P. J. D., & Conlon, D. E. (1988). Time pressure and strategic choice in mediation. *Organizational Behavior and Human Decision Processes*, *42*(1), 111–133.

Carnevale, P. J. D., & Henry, R. A. (1989). Determinants of mediator behavior: A test of the strategic choice Model. *Journal of Applied Social Psychology*, *19*(6), 481–498.

Cerwonka, A., & Malkki, L. H. (2007). *Improvising theory: Process and temporality in ethnographic fieldwork*. Chicago, IL: University Of Chicago Press.

Charkoudian, L. (2012). Just my style: The practical, ethical, and empirical dangers of the lack of consensus about definitions of mediation styles. *Negotiation and Conflict Management Research*, *5*(4), 367–383.

Charmaz, K. (2014). *Constructing grounded theory* (2nd edition). London: SAGE Publications.

Cheldelin, S., & Warfield, W. (2004). Reflections on reflective practice. *Research Frontiers in Conflict Analysis and Resolution*, 64–78. Institute for Conflict Analysis and Resolution.

Cobb, S. (1997). The domestication of violence in mediation. *Law & Society Review*, *31*(3), 397.

Cobb, S., & Rifkin, J. (1991). Practice and paradox: Deconstructing neutrality in mediation. *Law and Social Inquiry*, *16*, 35.

Coleman, P. T., & Ferguson, R. (2015). *Making conflict work: Harnessing the power of disagreement* (Reprint edition). New York: Mariner Books.

Coleman, P. T., & Kugler, K. (2014). Tracking managerial conflict adaptivity: Introducing a dynamic measure of adaptive conflict management in organizations. *Journal of Organizational Behavior*, *35*(7), 945–968.

Coleman, P. T., Kugler, K., & Chatman, L. (2017). Adaptive mediation: an evidence-based contingency approach to mediating conflict. *International Journal of Conflict Management*, *28*(3), 383–406.

Coleman, P. T., Kugler, K., Mazzaro, K., Gozzi, C., Zokm, N. E., & Kressel, K. (2015). Putting the peaces together: a situated model of mediation. *International Journal of Conflict Management*, *26*(2), 145–171.

Collin, S., & Karsenti, T. (2011). The collective dimension of reflective practice: the how and why. *Reflective Practice*, *12*(4), 569–581.

Collins, P. H. (1999). *Black feminist thought: Knowledge, consciousness, and the politics of empowerment* (2nd edition). New York: Routledge.

Crotty, M. (1998). *The foundations of social research: Meaning and perspective in the research process*. London: SAGE Publications.

Boud, D. (1985). *Reflection, turning experience into learning*. London: Kogan Page.

Deutsch, M. (2011). Interdependence and psychological orientation. In P.T. Coleman (Ed.), *Conflict, Interdependence, and Justice* (pp. 247–271). Springer, New York, NY.

Dewey, J. (1903). *Studies in logical theory*. Chicago, IL: University of Chicago Press.

Dewey, J. (1905). The realism of pragmatism. *The Journal of Philosophy, Psychology and Scientific Methods*, *2*(12), 324–327.

Dewey, J. (1910). *How we think*. Boston, New York, Chicago: D.C. Heath and Company.

Dewey, J. (1916). *Democracy and education*. New York: Macmillan Publishers.

Dewey, J. (1938). *Logic: the theory of inquiry*. New York: Hold, Rinehart and Winston.

Dewey, J. (1963). *Experience and education*. New York: Kappa Delta Pi.

Druckman, D. (1971). The influence of the situation in interparty conflict: situation as an enhancing or moderating influence definition of the situation. *The Journal of Conflict Resolution (Pre-1986)*, *15*(4), 523.

Ericsson, A. (2008). Deliberate practice and acquisition of expert performance: A general overview. *Academic Emergency Medicine*, *15*(11), 988–994.

Evans, G. L. (2013). A novice researcher's first walk through the maze of grounded theory: Rationalization for classical grounded theory. *Grounded Theory Review: An International Journal*, *12*(1).

Fendler, L. (2003). Teacher reflection in a hall of mirrors: Historical influences and political reverberations. *Educational Researcher*, *32*(3), 16–25.

Fine, M. (2008). *Revolutionizing education: Youth participatory action research in motion*. New York: Routledge.

Fisher, R., Patton, B., & Ury, W. (2011). *Getting to yes: negotiating agreement without giving in*. New York: Penguin.

Fook, J. (2004). Critical reflection and organizational learning and change. In N. Gould & M. Baldwin (Eds.), *Social Work, Critical Reflection, and the Learning Organization* (pp. 57–73). Burlington, VT: Ashgate Publishing Company.

Foucault, M. (1982). *The archaeology of knowledge*. New York: Vintage.

Freire, P. (1986). *Pedagogy of the oppressed*. (M. B. Ramos, Trans.). New York: Continuum.

Friedman, G. (2015). *Inside out: How conflict professionals can use self-reflection to help their clients*. Chicago, IL: American Bar Association.

Gardner, F. (2014). *Being critically reflective: Engaging in holistic practice*. Houndmills, Basingstoke, Hampshire: Palgrave Macmillan.

Gergen, K. (1985). The social construtionist movement in modern psychology. *American Psychologist*, *40*(3), 266–275.

Giddens, A. (1984). *The constitution of society: Introduction of the theory of structuration*. Malden, MA: Polity Press.

Glaser, B. G. (1992). *Emergence vs. forcing: basics of grounded theory analysis*. Mill Valley, CA: Sociology Press.

Goodman, K. (2013). *Engaging emotions in self and parties in the mediation context* (Masters thesis). New York: Columbia University.

Greenwood, D. J., & Levin, M. (2007). *Introduction to action research: Social research for social change* (2nd edition). Thousand Oaks, CA: SAGE Publications.

Greiff, J. L., Bricker, M. G., Gamaghelyan, P., Tadevosyan, M., & Deng, S. (2015). Debriefing in peacemaking and conflict resolution practice: models of emergent learning and practitioner support. *Reflective Practice*, *16*(2), 254–268.

Habermas, J. (1972). *Knowledge & human interests*. Boston: Beacon Press.

Habermas, J. (1985). *The theory of communicative action, Volume 2: lifeworld and system: A critique of functionalist reason*. Boston, MA: Beacon Press.

Hammer, D., & Elby, A. (2002). On the form of a personal epistemology. In B. K. Hofer & P. R. Pintrich (Eds.), *Personal epistemology: The psychology of beliefs about knowledge and knowing* (Digital Version, Chapter 9). New York: Routledge.

Hardy, S. (2009). Teaching mediation as reflective practice. *Negotiation Journal*, *25*(3), 385–400.

Hargreaves, J. (2004). So how do you feel about that? Assessing reflective practice. *Nurse Education Today*, *24*(3), 196–201.

Hargreaves, J., & Page, L. (2013). *Reflective practice*. Cambridge, UK: Polity.

Hedeen, T., Raines, S. S., & Barton, A. B. (2010). Foundations of mediation training: A literature review of adult education and training design. *Conflict Resolution Quarterly*, *28*(2), 157–182.

Herr, K., & Anderson, G. (2015). *The action research dissertation: A guide for students and faculty*. Thousand Oaks, CA: SAGE Publications.

Hofer, B. K. (2002). Personal epistemology as a psychological and educational construct: An introduction. In B. K. Hofer & P. R. Pintrich (Eds.), *Personal epistemology: The psychology of beliefs about knowledge and knowing* (Digital Version, Chapter 1). New York: Routledge.

Hofer, B. K., & Pintrich, P. R. (Eds.). (2002). *Personal epistemology : The psychology of beliefs about knowledge and knowing* (Digital version). New York: Routledge.

Hoshmand, L. L. T. (1994). *Orientation to inquiry in a reflective professional psychology*. Albany, NY: State University of New York Press.

Husserl, E. (1970). *The crisis of european sciences and transcendental phenomenology: An introduction to phenomenological philosophy*. (D. Carr, Trans.). Evanston, IL: Northwestern University Press.

Irvin-Erickson, D. (2018, April). Action research and conflict resolution: Rules, epistemology, norms, and the legacies of Kurt Lewin. In Susan Allen (Chair),

Action research in conflict resolution research and practice. Panel conducted at the International Studies Association Annual Conference, San Francisco, CA.

Ixer, G. (2016). The concept of reflection: is it skill based or values? *Social Work Education*, *35*(7), 809–824.

James, W. (1907). *Pragmatism, a new name for some old ways of thinking; popular lectures on philosophy*. New York: Longmans, Green, and Co.

James, W. (1995). *Pragmatism*. New York: Dover Publications.

Johns, C., & Freshwater, D. (2005). *Transforming nursing through reflective practice* (2nd edition). Oxford; Malden, MA: Wiley-Blackwell.

King, P., & Kitchener, K. S. (1994). *Developing reflective judgment*. San Francisco: Jossey-Bass.

King, P., & Kitchener, K. S. (2004). Reflective judgment: Theory and research on the development of epistemic assumptions through adulthood. *Educational Psychologist*, *39*(1), 5–18.

Knott, C., & Scragg, T. (Eds.). (2014). *Reflective practice in social work* (3rd edition). Thousand Oaks, CA: Learning Matters.

Knowles, M. S. (1988). *The modern practice of adult education: From pedagogy to andragogy* (Revised edition). Wilton, Conn.; Chicago: Cambridge Book Co.

Knowles, M. S. (1990). *The adult learner: A neglected species* (4th sub-edition). Houston: Gulf Publishing Co.

Kolb, D. [Deborah]. (1985). *The Mediators*. Cambridge, MA: The MIT Press.

Kolb, D. [David]. (2015). *Experiential learning : experience as the source of learning and development*. Upper Saddle River, NJ: Pearson Education, Inc.

Kolb, D. [Deborah], & Associates. (1994). *When talk works: Profiles of mediators* (1st edition). San Francisco: Jossey-Bass.

Kressel, K. (1997). Practice-relevant research in mediation: Toward a reflective research paradigm. *Negotiation Journal*, *13*(2), 143–160.

Kressel, K. (2013). How do mediators decide what to do: Implicit schemas of practice and mediator decisionmaking. *Ohio State Journal on Dispute Resolution*, *28*, 709.

Kressel, K. (2014). The mediation of conflict: Context, cognition, and practice. In P. T. Coleman, M. Deutsch, & E. C. Marcus (Eds.), *The Handbook of Conflict Resolution, Theory and Practice* (3rd edition). San Francisco, CA: Jossey-Bass.

Kressel, K., & Gadlin, H. (2009). Mediating among scientists: A mental model of expert practice. *Negotiation and Conflict Management Research*, *2*(4), 308–343.

Kressel, K., Henderson, T., Reich, W., & Cohen, C. (2012). Multidimensional analysis of conflict mediator style. *Conflict Resolution Quarterly*, *30*(2), 135–171.

LaFree, G., & Rack, C. (1996). Effects of participants' ethnicity and gender on monetary outcomes in mediated and adjudicated civil cases. *Law & Society Review*, *30*(4), 767–797.

Lang, M. (2016, October 7). Reflective practice groups. [Letter to American Bar Association Dispute Resolution Section]. American Bar Association, Washington, DC.

Lang, M. (2017, May 17). Re: APFM case consultation group. [Email to members of the Academy of Professional Family Mediators].

Lang, M., & Arms Almengor, R. (2017, August). Why Case Consultation/Reflective Practice Groups Matter for Mediators. *Mediate.com*. Retrieved April 18, 2018, from http://www.mediate.com/articles/langarmsreflective.cfm

Lang, M., & Taylor, A. (2000). *The making of a mediator: Developing artistry in practice*. San Francisco: Jossey-Bass.

Lang, M., & Terry, S. (2013). Excellence: Using reflective debrief to build competence. *ACResolution*, (Spring).

Lederach, J. P., Neufeldt, R., & Culbertson, H. (2007). *Reflective Peacebuilding: A Planning,*
Monitoring, and Learning Toolkit. Joan B. Kroc Institute for International Peace Studies, University of Notre Dame and Catholic Relief Services. Retrieved March 16, 2018 from
https://ndigd.nd.edu/assets/172927/reflective_peacebuilding_a_planning_monitoring_and_learning_toolkit.pdf

Lewin, K. (1946). Action research and minority problems. *Journal of Social Issues*, *2*, 34–36.

Lieberman, E., Foux-Levy, Y., & Segal, P. (2005). Beyond basic training: A model for developing mediator competence. *Conflict Resolution Quarterly*, *23*(2), 237–257.

Lillyman, S., & Merrix, P. (2012). *Portfolios and reflective practice*. Harlow, England: Routledge.

Macfarlane, J., & Mayer, B. (2005). What theory? How collaborative problem-solving trainers use theory and research in training and teaching. *Conflict Resolution Quarterly*, *23*(2), 259–276.

Malthouse, R., Roffey-Barentsen, J., & Watts, M. (2014). Reflectivity, reflexivity and situated reflective practice. *Professional Development in Education*, *40*(4), 597–609.

Marsick, V., Weaver, D., & Yorks, L. (2014). Learning through reflection on experience: An adult learning framework for how to handle conflict. In P.T. Coleman, M. Deutsch, & E.C. Marcus (Eds.), *The handbook for conflict resolution* (3rd ed., pp. 558–577). San Francisco, CA: Jossey-Bass.

McCann, T., Johannessen, L., Kahn, E., Smagorinsky, P., & Smith, M. (2005). *Reflective teaching, reflective learning: How to develop critically engaged readers, writers, and speakers*. Portsmouth, NH: Heinemann.

McGuigan, R., & Popp, N. (2007). The self in conflict: The evolution of mediation. *Conflict Resolution Quarterly*, *25*(2), 221–238.

McGuigan, R., & Popp, N. (2012). Consciousness and conflict (explained better?). *Conflict Resolution Quarterly*, *29*(3), 227–260.

McGuire, A. P., & Inlow, L. (2005). Interactive reflection as a creative teaching strategy. *Conflict Resolution Quarterly*, *22*(3), 365–379.

McVicker Clinchy, B. (2002). Revisiting women's ways of knowing. In B. K. Hofer & P. R. Pintrich (Eds.), *Personal epistemology: The psychology of beliefs about knowledge and knowing* (Digital Version, Chapter 4). New York: Routledge.

Menkel-Meadow, C. J., Love, L. P., Sternlight, J. R., & Schneider, A. K. (2010). *Dispute resolution: Beyond the adversarial model.* (2nd edition). New York: Aspen Publishers.

Merry, S. E. (1990). Discourses of mediation and the power of naming. *The Yale Journal of Law & the Humanities*, *2*, 1.

Mezirow, J. (1990). How critical reflection triggers transformative learning. In J. Mezirow (Ed.), *Fostering critical reflection in adulthood: A guide to transformative and emancipatory learning*. San Francisco, CA: Jossey-Bass.

Mezirow, J. (1997). Transformative learning: Theory to practice. *New Directions for Adult and Continuing Education*, *1997*(74), 5–12.

Mezirow, J., & Associates. (1990). *Fostering critical reflection in adulthood: A guide to transformative and emancipatory learning*. San Francisco: Jossey-Bass.

Moon, J. A. (2004a). *A handbook of reflective and experiential learning: Theory and practice*. London; New York: Routledge.

Moon, J. A. (2004b). *Reflection in learning and professional development: Theory and practice*. London; New York: Routledge.

Moon, J. A. (2006). *Learning journals: A handbook for reflective practice and professional development* (2nd edition). London ; New York: Routledge.

Moore, C. W. (2014). *The mediation process: Practical strategies for resolving conflict* (4th edition). Jossey-Bass.

Nisbett, R. E., & Wilson, T. D. (1977). Telling more than we can know: Verbal reports on mental processes. *Psychological Review*, *84*(3), 231–259.

Pawar, M., & Anscombe, B. (2014). *Reflective social work practice: Thinking, doing and being*. Melbourne: Cambridge University Press.

Perry, W. G. (1970). *Forms of intellectual and ethical development in the college years; A scheme*. New York: Holt Rinehart & Winston.

Piaget, J. (1952). *The origins of intelligence in children*. (M. Cook, Trans.) (1st edition). International Universities Press.

Picard, C. A., & Jull, M. (2011). Learning through deepening conversations: A key strategy of insight mediation. *Conflict Resolution Quarterly*, *29*(2), 151–176.

Picard, C. A., & Melchin, K. R. (2007). Insight mediation: A learning-centered Mediation model. *Negotiation Journal*, *23*(1), 35–53.

Pinkley, R. L., Brittain, J., Neale, M. A., & Northcraft, G. B. (1995). Managerial third-party dispute intervention: An inductive analysis of intervenor strategy selection. *Journal of Applied Psychology*, *80*(3), 386–402.

Polanyi, M. (1966). *The Tacit Dimension*. Garden City, NY: Doubleday and Company.

Press, S. (2012). Court-connected mediation and minorities: Has any progress been made. *Dispute Resolution Magazine*, *19*, 36.

Pruitt, D. G. (2012). Commentary 1. *Negotiation and Conflict Management Research*, *5*(4), 384–391.

Raelin, J. A. (2007). Toward an epistemology of practice. *Academy of Management Learning & Education*, *6*(4), 495–519.

Rappaport, A., & Hartfield, N. (2016, April). *Reflective practice: Radiate excellence and stand Out in the crowd*. Workshop presented at the American Bar Association Section of Dispute Resolution Annual Conference, New York, NY.

Riskin, L. L. (1996). *Understanding mediators' orientations, strategies, and techniques: A grid for the perplexed* (SSRN Scholarly Paper No. ID 1506684). Rochester, NY: Social Science Research Network. Retrieved from http://papers.ssrn.com/abstract=1506684

Rogers, C. R. (1951). *Client-centered therapy: its current practice, implications, and theory*. Boston: Houghton Mifflin Co.

Rorty, R. (1981). *Philosophy and the mirror of nature*. Princeton, NJ: Princeton University Press.

Ross, W. H., & Wieland, C. (1996). Effects of interpersonal trust and time pressure on managerial mediation strategy in a simulated organizational dispute. *Journal of Applied Psychology 81*(3), 228–248.

Saldaña, J. (2015). *The coding manual for qualitative researchers* (3rd edition). Los Angeles ; London: SAGE Publications.

Sapolsky, R. (1997, October 1). A Gene For Nothing | DiscoverMagazine.com. Retrieved December 9, 2013, from http://discovermagazine.com/1997/oct/agenefornothing1242

Schneider, C., Cullen, K., Duquette, D., Spiegel, J., Coen, E., Finney, C., … Crockett, C. (2016, September). *"What was I thinking?" Reflective practice using a case consultation group*. Presentation at the Association for Conflict Resolution Annual Conference, Baltimore, MD.

Schön, D. A. (1983). *The reflective practitioner: How professionals think in action*. New York, NY: Basic Books.

Schön, D. A. (1987). *Educating the reflective practitioner: Toward a new design for teaching and learning in the professions.* San Francisco: Jossey-Bass.

Scott, C., Reuben, R., Wohl, R., & Charles, A. (2016, April). *The reflective practitioner: Incorporating mindfulness in the ADR currriculum in law schools*. Workshop presented at the American Bar Association Section of Dispute Resolution Annual Conference, New York, NY.

Seibt, J. (2011). Beyond the "identity"-paradigm: Conflict resolution and the dynamics of self-understanding. *Conflict Resolution Quarterly*, *28*(3), 229–237.

Senge, P. M. (2006). *The fifth discipline: The art & practice of the learning organization*. New York: Doubleday.

Sherwood, G., & Horton-Deutsch, S. (2012). *Reflective practice: Transforming education and improving outcomes*. Indianapolis, IN: Sigma Theta Tau International.

Spalding, E., Garcia, J., & Braun, J. (2010). *An introduction to standards-based reflective practice for middle and high school teaching*. New York: Teachers College Press.

Terry, S., & Lenski, T. (2016, September). *Reflective roundtable process for advanced practitioners*. Workshop presented at the Association for Conflict Resolution Annual Conference, Baltimore, MD.

Thompson, N., & Pascal, J. (2012). Developing critically reflective practice. *Reflective Practice*, *13*(2), 311–325.

Thompson, S., & Thompson, N. (2008). *The critically reflective practitioner*. Basingstoke England ; New York: Palgrave Macmillan.

Wall, J. A., & Dunne, T. C. (2012). Mediation research: A current review. *Negotiation Journal*, *28*(2), 217–244.

Wall, J. A., & Kressel, K. (2012). Research on mediator style: A summary and some research suggestions. *Negotiation and Conflict Management Research*, *5*(4), 403–421.

Wall, J. A., & Kressel, K. (2017). Mediator thinking in civil cases. *Conflict Resolution Quarterly*, *34*(3), 331–367.

Walsham, G. (2006). Doing interpretive research. *European Journal of Information Systems*, *15*(3), 320–330.

Wang, D. (2012). The use of self and reflective practice in relational teaching and adult learning: a social work perspective. *Reflective Practice*, *13*(1), 55–63.

White, S., Fook, J., & Gardner, F. (2006). *Critical reflection in health and social care*. Maidenhead, Berkshire, England: Open University Press.

Whitehead, J. (2000). How do I improve my practice? Creating and legitimating an epistemology of practice. *Reflective Practice*, *1*(1), 91–104.

Wilson, B. (2004). *Towards a theoretical model of professional practice consultancy* (SSRN Scholarly Paper No. ID 1594162). Rochester, NY: Social Science Research Network. Retrieved from https://papers.ssrn.com/abstract=1594162

Wing, L. (2009). Mediation and inequality reconsidered: Bringing the discussion to the table. *Conflict Resolution Quarterly*, *26*(4), 383–404.

Winslade, J., & Monk, G. D. (2000). *Narrative mediation : A new approach to conflict resolution*. San Francisco: Jossey-Bass.

Yarn, D. H. (2009, November 13). A natural history of conflict resolution, Abstract prepared for AALS Dispute Resolution Section 2009 Works-in-Progress Conference.

Yelloly, M., & Henkel, M. (Eds.). (1994). *Learning and teaching in social work: Towards reflective practice*. London ; Bristol, PA: Jessica Kingsley Pub.

Zeichner, K., & Liston, D. (2013). *Reflective teaching: An introduction* (2nd edition). New York: Routledge.

Biography

Rochelle Arms Almengor received her PhD from The School for Conflict Analysis and Resolution in George Mason University, focusing on the use of reflective practice as a learning method for conflict resolution practitioners. Prior to this, she served as the Restorative Justice Coordinator of the New York Peace Institute where she managed mediation and restorative justice initiatives with the Brooklyn District Attorney's Office, Juvenile Justice Courts, schools, and community agencies in Brooklyn and Manhattan. She has trained or coached hundreds of individuals in communication skills, mediation and other facilitative interventions. Since 2000, she has worked in the U.S. and abroad in collaborative processes and restorative justice projects, with a variety of groups, including civil society organizations in India, indigenous peoples in Argentina, immigrants and refugees, and homicide offenders and victim survivors in Kentucky. Rochelle has a B.A. in Religion and Peace Studies from Swarthmore College, and an M.A. in International Relations through a Rotary Peace Fellowship at Universidad del Salvador in Argentina. In August 2018, she will begin a position as Assistant Professor of Dispute Resolution in the Sociology Department of John Jay College of Criminal Justice – City University of New York.